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MARYLAND TOLERATION;

OR,

SKETCHES OF THE EARLY HISTORY OF MARYLAND,

TO THE YEAR 1650.

BY THE REV. ETHAN ALLEN,
PRESBYTER OF THE PROTESTANT EPISCOPAL CHURCH, BALTIMORE CO., MD.

BALTIMORE:
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MARYLAND TOLERATION;

OR,

SKETCHES OF THE EARLY HISTORY OF MARYLAND.

More than two years ago, the present writer drew up the following sketches, at the request of some of his younger brethren in the Ministry, who wished to have the facts of our early history before them. And at the request of brethren whom he does not feel at liberty to refuse, he now sends them forth in this form. In putting forth these sketches of the early history of Maryland, it is right he should state, that he has nothing to present, but what is already known to those who are *familiar* with its beginning and its subsequent progress. And his purpose now simply is, to set forth chronologically, such facts within his reach, as have come down to us, and exhibit and illustrate directly or indirectly its religious character and condition. He has endeavored to avoid putting down mere probabilities, aiming to let the facts, as much as possible, speak for themselves.

A. D. 1608.

THE FIRST EXPLORATION OF CHESAPEAKE BAY AND RELIGIOUS SERVICES.

The first permanent Colony which settled in Virginia, as is well known, was a Church of England Colony; and settled there in 1607. In June and July of the following year, the celebrated Capt. Smith, Governor of Virginia, undertook to explore the Chesapeake Bay. In his history of the Virginia Colony,* we learn, that he left Jamestown, the second day of June, in an open barge of near three tons burthen, having in his company, a physician, six gentlemen and seven soldiers. He returned in nine days. This voyage does not seem to have been satis-

* 1 Vol. p. 182.

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factory to him, for on the 24th of July, he set out again, in order to complete the discoveries which he had before commenced. He took now with him a physician, five gentlemen and six soldiers. He appears at this time, (1608,) to have examined the Bay and its shores to the Susquehannah pretty thoroughly; excepting that part of the Eastern shore, from Swann's point in Kent County, to the lower part of what is now Dorchester County. This he passed without examination.

But he records—and it forms a beautiful introduction to our religious history—that during the voyage of exploration, "our order was daily to have Prayer with a Psalm." Thus early, as we are here shown, two hundred and forty-six years ago, when the shores of the Chesapeake were occupied by the wild Indians—and they pagans—and its waters for the first time wafted on their surface the bark of the white man—did prayers and hymns of praise ascend in the name of JESUS to the living GOD. It was then, for the first time, that the shores and waters of our noble Bay resounded with the teachings of God's Holy Word, the Bible, and with the Services of His Worship. These men, the then Governor of Virginia, and those with him, were not unmindful in the wilderness and on the deep, of the GOD Who has all things in His hands. They were Christians, Church of England Christians, who had the book of Common Prayer. They were men who prayed to GOD daily, and daily offered to Him praise. Thus, with the very first sail of our Anglo-Saxon race, that ever caught the breeze upon the waters of the Chesapeake—came the Bible and the book of Common Prayer—and men of stout Christian hearts to use them. "Our order was daily to have Prayer and a Psalm—at which SOLEMNITY the poor *savages much wondered.*" It was indeed, under the circumstances, a solemnity. It was no light thing, nor was it done in a corner. The Indian himself saw—and seeing it he wondered.

1612.

THE EXTENT OF THE TERRITORY OF VIRGINIA.

In 1612, March the 12th, there was granted to the London or South Virginia Company, the Charter known as the third and last Virginia Charter. It is mentioned here, because it shows us the extent of territory given at that time to that Company.* It states that it extended "from the point of land called Cape or Point Comfort, all along the sea coast northward two hundred miles; and from the said Point or Cape Comfort, all the sea coast southward two hundred miles. And all that

*1 Hazzard, 73.

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space and circuit of land, lying from the sea coast of the precinct aforesaid, up into the land throughout, from sea to sea West and North-West," etc. North thus of Point Comfort, the Virginia territory included all that is now Maryland and Delaware, and one-third at least of New Jersey and Pennsylvania. Maryland, therefore, that now is, was then a part of Virginia; it was all in Virginia territory and known as Virginia.

THE VIRGINIANS A CHURCH OF ENGLAND COLONY.

Now with respect to Religion in the "articles, orders and instructions," etc., set down for Virginia Nov. 20, 1606, seven months after the *first* Virginia Charter was issued, is found the following: "We do specially ordain, charge and require the presidents and Councils [of the two Virginia Colonies] respectively, within their several limits and precincts, that they with all care, diligence and respect, do provide that the true Word and Service of God and Christian Faith, be preached, and planted, and used," etc., "*according to the doctrine, rites and religion, now professed and established within our realm of England.*" * In the second Charter, that of May 23, 1609,† it is said, "we should be loath, that any person should be permitted to pass, that we suspected to affect the superstitions of the Church of Rome. We do hereby declare, that it is our will and pleasure, that no one be permitted to pass in any voyage, from time to time into the said country, but such as shall have first taken the Oath of Supremacy," &c. And the third Charter empowers certain officers there specified, to administer the oath of Supremacy, which was also the oath of allegiance,‡ to "all and every person, which shall at any time or times hereafter, go or pass to the said Colony of Virginia." This oath thus prevented any one from becoming a resident in Virginia, who could not, or would not acknowledge the King, as the temporal head of the Church; and required the officers specified, to see it administered. The Colony was thus consequently made a Church of England Colony.

And while upon this point, it may be well to add, that in 1619, the Church of England was established in the Colony. And up to this time, there had been neither papists nor puritans in it. "There is reason however to believe," says Dr. Hawks,§ "that about this time, a small number of puritans sought refuge in the Colony, but it was too inconsiderable to introduce any change in the religious opinions of the people, *and public worship continued to be conducted as it always had been, in conformity with the Ritual of the Church in England.*‖ In

* 1 Henning, 69. † 1 Hazzard, 72. ‡ 1 Hazzard, 78.
§ Hawks' Contributions Va., p. 35. ‖ See Henning.

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1631–2 was enacted the following,—"It is ordered that there be a uniformity throughout this Colony, both in substance and circumstance to the Canons and Constitution of the Church of England as near as may be; and that every person yield ready obedience to them, upon penalty of pains and forfeiture in that case appointed." So late as 1639, twenty years after the establishment of the Church in the Colony, several laws were then made against the puritans; and so rigorous were these laws, that "none but conformists in the strict and most absolute sense were permitted to reside in the Colony."* These however were made by way of anticipation, for, says Burk,† "as yet there were none amongst them. They were made to prevent the infection from reaching the country."

1624.

In this year, by the judgment of the Court of the King's bench, upon a quo warranto, the Charter of Virginia was annulled, and on the 20th of August, the King‡ "appointed and authorized for ordering, managing and governing the affairs of the Colony, persons residing in the parts of Virginia." Of the twelve thus appointed, three were subsequently Governors of the Colony, and among the others was William Claiborne.§ He came out first in 1621, 'To survey the planters' lands and make a map of the country.' We mention his name here, because it plays so conspicuous a part in after years. In this commission, the King says, "We did resolve, by altering the Charters of said Company, as to the *point of government*, wherein the same might be found defective, to settle such a course, as might best secure the safety of the people there, * * and yet with *the preservation of the interests of every planter* or adventurer, so far forth, as their present interests shall not prejudice the public plantations."

1625.

This year, on the 27th of March, King James died, and was succeeded by Charles Ist. On the fourth of that month, previous to James' death, a Commission was issued appointing Sir George Yeardly, one of the before named Council, Governor, leaving out two others, but continuing William Claiborne, and adds, "Forasmuch as the affairs of state in said Colony and plantation, may necessarily require some person of *quality* and *trust* to be employed as Secretary, for the writing and answering such letters, as shall be from time to time directed to, or sent from the said Gov-

* 2 Bozman, 198. † 2 Burk, 67. ‡ 1 Hazzard, 191, 192.
§ 1 Henning, 116.

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ernor and Council of the Colony aforesaid, our will and pleasure is, and we do by these presents nominate and assign you, the said William Claiborne, to be our Secretary of State, of and for the Colony and plantation of Virginia."* In using the word *quality* in this Commission, we are shown something of the position in society of Claiborne, for it was "a word in use, in those times, signifying men of the first rank in society under the degree of nobility, and synonymous to *gentry*."†

In the proclamation of Charles Ist, for the settling the plantation of Virginia, dated May 13, 1625, it is said, that the repeal of the Charter‡ "was not intended to take away or impeach the particular interest of any private planter,—the *government* of the Colony of Virginia, shall immediately depend upon ourself—[before, it had depended on the London or South Virginia Company]—and not be committed to any company, or corporation to whom it may be proper, to trust matters of trade and commerce, but cannot be fit or safe to communicate the ordering of affairs of state," etc. The officers in the Colony therefore now appointed, were to be responsible to the King—and not to the Company, as before. These commissions have been referred to here for future use in this sketch.

1627.

Gov. Yeardley was now dead; and on the 20th of March, 1627, John Harvey was appointed Governor.§ The same commission appointing him, continued Claiborne one of the Council, and also in his office of Secretary of State. Thus under three successive Governors, he was a member of the Council, and under two, Secretary of State. These commissions, says McMahon,‖ "abundantly evidence the high estimation in which he was then held."

"During the years 1626, 7, 8,¶ the Governors gave authority to William Claiborne, 'the Secretary of State of this Kingdom,' as that most ancient dominion was then called, to discover the source of the Chesapeake Bay, or any part of that Government, from the thirty-fourth to the forty-first degree of North latitude. This was, as a learned Annalist (Chalmers) alleges, "in pursuance of particular instructions from Charles Ist to the Governors of Virginia, to procure exact information of the rivers and the country." McMahon says,** that he received these licenses from the English government—licenses to trade under which he was authorized to discover, &c.

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* 1 Hazzard, 233, 4.
† 2 Bozman, 100, note.
‡ 1 Hazzard, 204, 5.
§ 1 Hazzard, 234, 5.
‖ p. 7, note.
¶ 1 Bozman, 265.
** p. 7

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1629.

While acting under these licenses, as Claiborne himself states in a petition to the King, in 1638,* "he discovered, and did then plant upon an Island in the great Bay of Chesapeake, in Virginia, by them named the Isle of Kent, which they bought of the kings of the country, and built houses, transported cattle, and settled people thereon, to their very great costs and charges." He does not indeed state the year in which this was done. But in a "Breviat of the proceedings of the Lord Baltimore,"† it is stated that the Island called Kent was seated and peopled under the Virginian government, three or four years before the King's grant to him," that is, Lord Baltimore. As that grant was made in 1632, three or four years previous, would be 1628 or 9. In a pamphlet of 1655, called Virginia and Maryland,‡ it is stated, that "the Isle of Kent was planted almost three years, before the name of Maryland was ever heard of." This too would fix that event to 1629. For the name Maryland was given to the territory which still bears the name, in 1632. Such were the statements of men high in office, to those high in office in England, who all well knew the fact.

Claiborne thus discovered the Island; purchased it of the Indians, and then took up the lands on it according to the custom of the Colony at that time.§ The settlement was at that time recognized as one of the settlements of the Virginia Colony, and sent burgesses, who sat in the Assembly of Virginia.

Kent Island is on the Eastern side of the Chesapeake Bay, at the mouth of Chester River, opposite the city of Annapolis; precisely in that part of the Bay, which we have seen was not examined by Capt. Smith in 1608; and was, as Claiborne says, discovered by himself. It is stated in Scott's Geography of Maryland, to be fourteen miles long, by six and one-half miles broad, and contains thirty-nine thousand acres.

Thus so early as 1629, Kent Island, then in Virginia, was occupied, settled and cultivated by Virginians, under the government of Virginia. And the preceding documents show not only that it was in Virginia, and a part of Virginia, but also that its settlers, of whom there were more than one hundred, were of the Church of England, just as was its proprietor himself. Nor was its proprietor inattentive to its religious interests; for among the occupants there, was the Rev. Richard James, a

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* 2 Bozman, 582. † 1 Hazzard, 628. ‡ p. 9, see also 1 Hazzard, 621.
§ Streeter's "Maryland two hundred years ago," p. 12.

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Clergyman of the Church of England,* if not from the beginning of the settlement, yet within a very short time afterwards. It was the prior settlement to that of St. Mary's, by five years; and was the nucleus, from which subsequent settlements spread over to the main land, in the Counties now known as Kent, Queen Anne, and Talbot. And so true have been those counties to their early Church, that to this day, only three Romanist Chapels are found in their borders, and but one resident priest. And so did the Church of that Island spread, that in 1692, when the Church of England was established in the Colony, six parishes were erected within its limits, one of which is known to have had four Church edifices—St. Paul's, Queen Anne County.

In October, 1629,† Sir George Calvert, the first Lord Baltimore, a Romanist nobleman, visited Jamestown in the Virginia Colony. Immediately on his arrival, the Virginia Assembly, then in session, as required by the instructions before mentioned,‡ caused the oath of allegiance and supremacy to be tendered to him.§ The oath of supremacy, obliged him who took it, to acknowledge the King as the temporal head of the Church of England; and the oath of allegiance, required submission and obedience to the King, as an independent sovereign. These oaths, Lord Baltimore must have taken before in England; but now he declined them, and the Assembly contented itself by referring the matter to the King and council.‖ Leaving Jamestown therefore, he sailed up the Bay to examine it—but he could not have been long so engaged, for in the following January he was at home in England.¶

1631.

It has been already seen, that in the years 1626, 7, 8, William Claiborne was licensed, or commissioned according to instructions from the King, by the Governor of Virginia, to trade and make discoveries in the Chesapeake Bay, and that while so doing, he discovered and purchased of the Indians Kent Island, and made a settlement there. This, as he states in his letter to the King in 1638, Lord Baltimore took notice of. And whether in the year 1630, he had heard of Lord Baltimore's application for a grant, which would include Kent Island, and desired to make his own title to it still more secure or not, he now himself made application to the King, and obtained from him a license, which he seems to have supposed, would secure to him his Island beyond question. This license

* Virginia Records, Mr. Streeter.
† Mr. Streeter's Address, p. 2.
‡ p. 3.
§ 1 Bozman, 255.
‖ Hawks' Church of Va., p. 47, 2d Burk, 25.
¶ Streeter, p. 11.

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bears date May 16, 1631, and reads thus: "These are to license and authorize you, the said William Claiborne, one of the Council and the Secretary of State, for our colony of Virginia, his associates and company freely and *without interruption*, from time to time, to trade for corn, furs, &c., with their ship, boats, men and merchandise, in all seas, coasts, harbors, lands, or territories *in*, or near, those parts of America, for which there is not already a patent granted to others, *for sole trade* * * * giving, and by these presents granting unto the said William Claiborne, full power to *direct and govern*, correct and punish such of our subjects, as shall be under his command in his voyages and *discoveries*, etc."* Now, when had patents for sole trade been granted? In the year 1629,† a commission had indeed been granted to Captain Bass, by the Governor of Virginia, to trade between the forty-first and thirty-fourth degrees of north latitude—*or* to sail to New England, *or* the West Indies,—but there was not one word in it, about sole trade. From the mere wording of the King's license to Claiborne, it may not appear at first sight, to have had any reference to Kent Island. But in his petition to the King, and the Councils' decision thereon, in 1639, we are shown that it was so understood. And it was supposed by Claiborne, and the King also, to give him, that is Claiborne, the *authority to govern the discoveries* he might make. The title to territory according to usage was to be derived from the Colonial authorities, but here was given him the power to exercise Government.

In this year, 1631, was a second settlement made within the territory, subsequently embraced in Lord Baltimore's charter—that of the Swedes; near what is now Wilmington, Delaware. In 1627,‡ a number of Swedes and Finns came over to America, and purchased of some Indians, the land from Cape Henlopen, on both sides of the Delaware Bay; and erected a fort on the West side of the Bay, near the Cape, not far from what is now Lewistown, Delaware. This was for the purpose of defense against the Indians in carrying on trade. But in 1631, the Swedes erected a fort further up the Bay, on the same side, on Christiana Creek, near what is now Wilmington; and there, they laid out a town, and made a settlement. That settlement was soon cut off by the Indians, but the Swedes nevertheless continued to hold possession there. The settlers of course were members of the Swedish Church. The beginning of which Church there, was thus made.

1632.

We come now, to the time when Lord Baltimore obtained his Charter,

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* 1 Bozman, 266, note. † 2 Burk, 32. ‡ 1 Bozman, 260.

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or grant of Maryland. On the 25th of April of this year, Sir George Calvert, the first Lord Baltimore, died; and was succeeded by his eldest son, Cecil Calvert, as heir to his title and his estates. On the 16th of the June following, a Charter was granted to this second Lord Baltimore from Charles Ist, giving him that part of the territory of Virginia, extending from Watkins Point on the eastern shore of the Chesapeake, northward to the fortieth degree of North latitude; and from the ocean to the Potomac west, containing more than eight millions of acres. This grant, Lord Baltimore considered, as including the whole peninsula, between the Delaware and Chesapeake, up to the fortieth degree of latitude, which crosses the Delaware, a little above the city of Philadelphia; embracing thus, all of Delaware and Pennsylvania, up to that point. And this is doubtless a true and fair construction of the boundaries given him.

This territory, the King named Maryland, the land of Maria, that being the name of his Queen, and was given, as "a country hitherto uncultivated, in the parts of America, and partly occupied by savages"—*in partibus Americæ hactenus inculta et barbaris.* This, however, was not true. The Swedes, as we have seen, had planted a Colony on the western shore of the Delaware, near half a degree, or thirty miles south of the fortieth degree of latitude. But it may be admitted that Lord Baltimore either did not know of this recent settlement, or that his northern boundary would include it. But not so of Kent Island That had been settled three years previous, by Church of England Virginians; and Lord George Calvert, who it is claimed drew up the Charter and was there more than two years before this, knew it. Claiborne says, in his petition to the King, 1638,* that Lord Baltimore took notice of it when there. A pamphlet of 1655 says,† "that Lord Baltimore pretended, though not truly, that the country was unplanted, and that his suggestions to the king, that those parts were uncultivated and unplanted unless by a barbarous people, not having the knowledge of God, was a misinformation." It certainly was not the fact.

Now, bearing in mind, that this Charter was given by a Protestant King, of a thoroughly Protestant Kingdom, to a Romanist nobleman of that kingdom, let us inquire what it says connected with, and bearing upon religious matters.

In the first place, then, it says, Section 2d, of Lord Baltimore, that "being animated with a laudable and pious zeal for extending the Christian religion," &c. It may indeed have been the animating zeal of

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* 2 Bozman, 582. † Maryland and Virginia, pp. 5, 9, 13.

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the first Lord Baltimore, to extend the Christian religion as he received it, that is Romanism; but we have very little proof that it was of the second Lord Baltimore to whom the Charter was actually given. Besides, it was a customary formula in Charters before granted, whether given to Church of England-men, puritans, or Romans. Bozman says,* "this *cant* pervades all the charters of North America, both French and English." And we are not surprised that he should call it *cant*, when he advocates† "a total prohibition, enacted by law, against missionaries being permitted to go among the Indians," and calls "planting Christianity among a [this] people that knew not God, nor had heard of Christ, a false and unfounded sentiment!"

The words, Protestant, or Roman Catholic, or their synonyms, are not found in the Charter. All that is granted in it, therefore, is independent of any such expressed distinction.

In the 4th Section, however, "the patronages and advowsons of all Churches, which, with the increasing worship and religion of Christ, within the said region * * aforesaid, hereafter shall happen to be built, together with the license and faculty erecting and founding Churches, Chapels, and places of worship, in convenient and suitable places within the premises, and of causing the same to be dedicated or consecrated according to the Ecclesiastical laws of our Kingdom of England," along with other rights and privileges, were granted to Lord Baltimore.

This, it will be perceived, confined the erecting and founding of Churches and Chapels, and all places of worship, to his license and faculty. None consequently could be built but such as he should permit and authorize. It placed thus the erecting of Protestant Churches, and Roman Catholic ones also, at his will and pleasure; so that if he saw fit he could forbid and prevent any of either name from being built.

Again, it gave him alone, the right and power of presenting such Ministers to the Churches built, as he should choose; thus keeping it out of the hands of the Bishops, or others, in the Roman Church on the one hand, and of Protestant patrons, or the people on the other. This was not indeed worse in the Charter than in some cases in England. For the right of advowson, or the presenting of Protestant ministers in England, was a privilege enjoyed by some Roman Catholic nobleman there, as late as in the reign of William and Mary. The conferring these powers thus, placed the Church, whether Romanist or Protestant, in his hands; it could not move a step, in the matters mentioned, only

* 1 Bozman, 185. † 2 Bozman, 399, note.

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as he should see good. And it took it out of the hands of the pope and priests, as well as out of the hands of protestants.

But there was this restriction. Every Church edifice must be consecrated, if consecrated at all, according to the Ecclesiastical laws of the kingdom of England. Now, according to these laws, no one could consecrate a Church or chapel, but a Bishop of the Church of England. And Gibson in his ecclesiastical law,* and Burns from him, say, that "after a new church is erected, it may not be consecrated without a complete endowment." And both the Canon and the Civil law enjoin, that the endowment be actually made before the building be begun. There was indeed at this time, no form of consecration provided by law. One was however in general use, drawn up by Bishop Andrews. Thus, no Church in the Colony could be consecrated, whether Church of England, Roman Catholic, or Presbyterian, but by a Bishop of the English Church; and not by him even, until a competent endowment for the support of the Minister and Church was actually provided and secured. Thus far the Romanist churches were subjected to the Protestant Episcopacy; and it was not to be avoided, but by not having them consecrated at all.

In the next place, the 10th Section of the Charter guarantees to *all the Colonists*, without any distinction of Church names, all the privileges, franchises and liberties of the kingdom of England. That section, so far as immediately concerns this point, reads thus—"We will also, and of our more abundant grace, for us, our heirs and successors, do firmly charge, constitute, ordain and command, that the said province be of our allegiance; and that all and singular, the subjects and liege-men of us, our heirs and successors, transplanted or to be transplanted into the province aforesaid, and the children of them, &c., be and shall be natives and liege-men of us, our heirs and successors, of our kingdom of *England* and *Ireland*, and in all things shall be held reputed and esteemed, as the faithful liege-men of us, &c., also lands, tenements, revenues, services and other hereditaments whatsoever, within our kingdom of England, and other our dominions, to inherit or otherwise purchase, receive, take, have, hold, buy, possess, and the same to use and enjoy, and the same to give, sell, alien and bequeath; *and likewise all privileges, franchises and liberties of this our kingdom of England, freely, quietly and peaceably to have and possess*, and the same may use and enjoy, in the same manner as our liege-men of England, without impediment, molestation, vexation, impeachment or grievance of us, or any of our heirs or successors; any

*See Article, Church.

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statute, act, ordinance or provision, to the contrary thereof notwithstanding."

That these privileges, franchises and liberties, include Ecclesiastical as well as civil, is clear from the use of the word *all*, which excludes none, particularizes none, and is restricted to no one class. This is also distinctly shown, by the Acts of the Assembly themselves. Thus, at the Session of the General Assembly, there was an Act passed in 1640, entitled, "*An Act for Church liberties.*" This Act itself, we have not; but in 1676, it was enacted as a perpetual law. And Bacon* tells us, it enacted "that holy Church within this province, shall have and enjoy *all her rights, liberties and franchises*, wholly and without blemish." This, it is presumed, is sufficient to show, that these terms were intended to include Ecclesiastical, as well as civil franchises, &c.

Such thus, was the guarantee to *all* those, who, under this Charter, became colonists in Maryland; whether Protestants or Romanists, it secured to them the benefits of the rights and laws of England.

Finally, in the 22d and last Section, it is provided, that no interpretation of the Charter be made, by which the holy rites, or Service of God and the true Christian Religion, may in any wise suffer change, prejudice, or diminution or, as the original is, *proviso semper, quod nulla fiat interpretatio, per quam sacrosancto Dei, et vera christiana religio, * * * immutatione, prejudicio vel dispendio patiantur. Sacrosancto*, by the very usage of the term, applies to things external, consecrated or set apart to God, things not inherently holy. The term is to be interpreted according to the theological usage of the day, and not according to classical usage. This the authorities show abundantly.

The Holy Service of God, and the true Christian Religion, could honestly and fairly mean, only that which was then established by law in England. Otherwise it would make a Protestant king and government say, that the Romish worship and religion, were the holy worship and service of God, and the true Christian Religion the very thing which the law and government of England protested against, and utterly repudiated. *By law*, the Romanist was forbidden to use the rites and ceremonies of his own Church, and required to attend the Services of the Protestant Church under a penalty of £20 per month if absent. Every priest subjected himself to two hundred marks penalty, for each time he said mass; and every person hearing it to one hundred, and both to a year's imprisonment. Subsequently to this law, every priest was banished from England, and could not return under pain of death; and all persons

* Laws of Maryland, 1640. Chap. 1.

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receiving or assisting such priests were made guilty of a capital felony. Every person confessing the Romish religion, and convicted of absence from the Established Church, might be imprisoned without bail, until he conformed; or if he refused after three months, was banished the realm. Later still, those Romanists refusing to conform, were forbidden under penalties, to appear at Court, or dwell within ten miles of London; or go on any occasion more than five miles from home; were made incapable of practising in physic, in surgery, in the common or civil law; of being judges, clerks, &c., of presenting to the livings within their gift, or of being executors, or guardians; and unless married by a protestant minister, each party forfeited the property, otherwise received from the other party; unless their children were baptized by a Protestant minister, they were subjected to a fine of £100 in each case; and if not buried in a Protestant cemetery, the executor was liable to pay £20 for each corpse. Every child sent out of the kingdom to be educated, forfeited all property by descent, or gift; and the house of every Romanist might be searched, and his books and furniture relating to religion, might be burnt, and his horses and arms taken from him. Later still, the Romanist was required, by a new oath of allegiance, to renounce the pope's temporal power, on pain of perpetual imprisonment and confiscation of their property. Such were the existing laws; and laws, too, which the King, six years previous to the granting of the Maryland charter, and now at this time also had to make an appearance of executing, and Romanists were only relieved, by paying the King to dispense with these penal laws.

These things are mentioned, not as in the least justifyng them; but as showing that a Protestant King, checked by a Parliament, more protestant than himself, and they by a people more protestant still, could not have secured to Romanists what was secured by the charter, to the exclusion of Protestants. In truth, it was not so attempted; but what was secured to one, was secured to both; if, indeed, any favor was secured to either, it was to Protestants, as shown by the restrictions imposed upon Lord Baltimore. And any act or decision on his part, which would interfere with, or prevent the exercise of that religion, which the Protestant Government of Great Britain held, as God's Holy Worship and the true Christian Religion, would violate the Charter and render it at any time liable to be revoked.

It was not however *toleration*, as now understood, that it was intended that Charter should secure. It was *protection* simply. Toleration, in its present sense, had not then been dreamed of, and was not aimed at by any one. But that it actually did provide for the protection of the liber-

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ties, privileges, rights, &c., of the members of the Church of England as such, who might come to Maryland, is beyond all question.

Now, whether this feature of the Charter was the original conception of Lord Baltimore, is not material, and cannot now be shown. But what gave it its authority was the King's signature and seal, before the giving of which, as is well known, it was most thoroughly examined by himself and by the Privy Council also, by whom it certainly did undergo some changes. And that these changes did not relate to this very point, is quite improbable. The authority, then, which gave Protestants protection in the Colony, was the King's own authority, *and he a Protestant.* From the same source, came the authority to protect the Romanist, in the same colony, in the enjoyment of the same rights, privileges, franchises, &c., as were guaranteed to Protestants; with slight exceptions in favor of the Protestants, though placing both and all under the restricted government of a Roman Catholic, Lord Baltimore.

1633.

VIRGINIA PETITIONS AGAINST THIS CHARTER.

No sooner did the Virginia Colony—which, as we have seen, was a Church of England Colony—hear of the grant of Lord Baltimore, than they sent a petition to the King, remonstrating against it. The petition itself is not known to be extant, nor is its precise date known. But from the decision of the Star Chamber upon that petition,* we learn they stated, "that some grants have lately been obtained [by Lord B.] of a great portion of lands and territories of the Colony, [of Va.,] being the places of their traffic and so near to their habitations as will give a general disheartening to the planters if they be divided into several governments, and a bar put to that trade which they have long since exercised towards their supportation and relief, under the confidence of his Majesties royal and gracious intentions towards them." This, however, was more largely stated in the petition itself.

On the 12th of May, 1633, the King referred the petition to the Star Chamber. And their Lordships ordered that the parties, the Virginia planters and Lord Baltimore, should be heard on the 25th of June, and accordingly on that day they were heard. It was then ordered that the parties should meet together, and accommodate their controversy in a friendly manner, if it might be, and likewise set down in writing, the propositions made by either party, with their several answers and reasons

* 2 Boz. 565.

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to be presented to the board. This was complied with, and in July, "their Lordships having heard, and maturely considered the said propositions, answers and reasons, and whatsoever else was alleged on either side, did think fit *to leave Lord Baltimore to his patent, and the other parties, to the course of law according to their desire.* But for the preventing of further questions and differences, their Lordships did also think fit and order, *that things stand as they do*—the planters on either side, shall have free traffic and commerce with each other, and that neither party shall receive any fugitive persons belonging to the other, nor do any act, which may draw on a war from the natives, upon either of them. And lastly, that they shall entertain all good correspondence, and assist each other, on all occasions, in such manner as becometh subjects and members of the same state." So reads the decision in Hazzard;* and so Bozman† has it, in his first edition. But in his second, he follows Chalmers' reading of it; which, instead of being "that things *stand* as they do," reads, "that things *standing* as they do." The authority of Hazzard is, however, to be preferred before that of Chalmers. And as the former has it, things were to stand as they then did, till the matter should be settled by a course of law. In the latter, it is made the ground of deciding about assisting each other, and as was already therein decided.

And how did things stand? Why, the Virginia planters were not by that decision to be dispossessed of Kent Island; nor was Lord Baltimore's patent to be invalidated. The question of the *prior claim* of the Virginians, was left *at their desire*, to a course of law. That question, the Star Chamber did not decide upon. They did not decide any more against the Virginians, than they did against Lord Baltimore. So, at least, it is clear, that the Virginians themselves understood it, as shown both by their after course, and by Burk in his history of Virginia,‡ where he says, that the board "acknowleged the justice of the claim of the Virginia planters." They certainly granted the request of these planters, that the matter should be left to take the course of law which they desired.

In November 22d, 1633, Lord Baltimore's colony left England for America. Cecil, the second Lord Baltimore, was then twenty-eight years of age. He does not seem to have been so dissatisfied with the civil disabilities under which he was placed in England, but that he remained there instead of crossing the Atlantic, to his retreat from Protestant persecution. He therefore sent out his brother, Leonard Calvert, then at the age of twenty-six, as Governor of his Colony, appointing two of the

* 1 Hazzard. † 1 Bozman, 381. ‡ 2 Burk, 39.

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colonists for his assistants. A younger brother, George, also came out, but it seems that he was so little of a Romanist, that he could do what his father declined to do in Virginia—that is, to take the oaths required; for, as it is said, he lived and died there. Indeed, it must not be overlooked, that the first and second Lord Baltimores were two different men. For while the elder, as it may be conceded, sought in the Virginia territory to build up an asylum for the oppressed and persecuted Romanists, the son, as proof in abundance may be found to show, had his eye upon the pecuniary advantages to be derived from his large grant of land, in no small degree.

It was now eighteen months from the date of his Charter, that his Colonists set sail. The number of Colonists, is stated by Oldmixon, at about two hundred.* He mentions Leonard Calvert, Esq., Governor, and Jeremy Hawley and Thomas Cornwallis, Esqrs., Assistants or Councillors. The other chief and principal characters, were Richard Gerard, Edward Winter, Frederick Winter, Henry Wiseman, *Esquires*, Mr. John Saunders, Mr. Edward Canfield, Mr. Thomas Greene, Mr. Nicholas Fairfax,† Mr. John Baxter, Mr. Thomas Dorrell, Capt. John Hill, Mr. John Medcalfe and Mr. William Sayre. Most of these, are said to have been gentlemen of fortune, and also Roman Catholics. And among others, were two Jesuit Priests, Fathers Andrew White and John Altham, and two lay-brothers, or temporal coadjutors, John Knowles and Thomas Gervase.‡ They were sent out by the superior of their order, on the application of Lord Baltimore. The colonists came over in the Ark, a vessel of four hundred tons burthen, and the Dove, a pinnace of forty tons. How large a proportion of the emigrants were Roman Catholics, is not now known. All, however, certainly were not such. Father White, in his narrative of their voyage, written about a month after the landing at St. Mary's, speaks repeatedly of the Roman Catholics, in such a way, as to show that they did not constitute the whole number of the emigrants—that there were others besides them.§ One instance in particular, would show the number, not Romanists, to have been a very large proportion. They were now in the West Indies. And "no one," says Father White, "was attacked with any disease, till the festival of the Nativity of our Lord. That the day might be more joyfully celebrated, the wine flowed freely, and some who drank immod-

* 2 Bozman, 26, from 1 Oldmixon, 184.

† Died on the voyage.

‡ B. U. Campbell's Sketch.

§ N. C. Brooks' Translation, pp. 11, 13, 19.

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erately, about thirty in number, were seized with a fever the next day, *and twelve of them not long after died, and among them, two Catholics*, Nicholas Fairfax and James Barefoot, caused great regret with us all." If the number not Romanists, that died, indicates anything like a true proportion, the proportion of protestants among the colonists must have been large. The fact thus stated, speaks however for itself. But though care was taken to have four Romanist priests and assistants, as before stated, yet the Protestants were not favored with even one minister to look after them and break to them the Bread of Life. They were in this thing, uncared and unprovided for.

1634.

In the month of February, the 27th, Lord Baltimore's colony on their way to Maryland, stopped for a few days at Jamestown, in Virginia. While there, as stated by Captain Claiborne, (that title he had borne since 1631, and was still a member of the Council and Secretary of State,) to the Governor and Council of Virginia, March the 14th, Governor Calvert had "signified to him, that he, Claiborne, was *now* a member of that [Maryland] plantation, and therefore, he should relinquish *all relation* and dependence on this [the Virginia] colony." And yet Claiborne himself was now not only a resident in Jamestown, but was still a member of the council and Secretary of State there, and had been for the ten years past. Still, he was the proprietor of Kent Island, and the colony there were Virginians, and had been and were now under the jurisdiction of the Virginia government. The claim of Governor Calvert was not only, that the Kent Island settlers, with the proprietor, should submit to his government, but it involved their title to the right of soil also. Admit Governor Calvert's claim, which, as we have seen, the Star Chamber did not decide on, but referred to the courts of law, and it involved the necessity of abandoning their plantation, and thus losing the fruits of past years of labor, or of a repurchase of the soil from Lord Baltimore, upon his own terms of plantation, as they were then called, so that instead of holding under Captain Claiborne, upon the annual payment of two capons, Lord Baltimore would become entitled to his quit rents from them, of which more will be said presently.

On making the statement thus, of the demand of Governor Calvert upon him, which Captain Claiborne did to the Governor and Council of Virginia, he requested the opinion of the Board, as to "how he should demean himself, in respect to Lord Baltimore's patent, and his deputies in the Bay." "It was answered by the Board, that they wondered why any

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such question was made; that they knew of no reason why they should render up the rights of the place of the Isle of Kent, more than any other formerly given to this [the Virginia] colony, by his Majesty's patent, and that the right of my Lord's [Baltimore's] grant, being yet *undetermined in England*, we are bound in duty, and by our oaths, to maintain the rights and privileges of this colony," &c.* They thus clearly understood the decision of the privy council of July previous, not to have been against their claim, and also that the matter was as yet undetermined. And they therefore determined not to relinquish their jurisdiction, nor Claiborne his proprietorship. Captain Claiborne and his colonists were thus sustained in Virginia, as well as in England, in not surrendering to Lord Baltimore's Governor, either the government of the settlement at Kent Island, or their right of soil.

Eleven days after this action of the Governor and Council of Virginia, March 25th, 1634, Governor Calvert landed with his colonists at the Island which they named St. Clements. It was the day of the Annunciation of the Virgin Mary. After celebrating Mass, the Romanists formed a procession, and proceeding to a spot selected, they erected a great Cross, while the Litany of the Holy Cross was chanted—" the Governor, Commissioners, *and other catholics*, participating in the ceremony."† It does not appear thus, that the Protestants did participate in it.

After having explored the Potomac as far up as Piscataway, the Governor and men returned, and under the direction of Captain Fleet, a resident of Virginia, who had accompanied them on the 27th of March,‡ they sailed up St. George's River, which they so named—a tributary of the Potomac—and landed on the right bank, and "having proceeded about a thousand paces from the shore, we gave the name of *St. Mary's* to the intended city. And that we might avoid all appearances of injury and hostility, having paid in exchange, *axes*, *hatchets*, *hoes*, *and some yards of cloth*, we bought from the [Indian] King, thirty miles of his territory, which part now [1634] goes by the name of Augusta Carolina"§—containing upwards of 150,000 acres.

St. Mary's is twenty miles from the mouth of the Potomac, one hundred miles from Jamestown, and forty-three miles from Kent Island, in a direct line, and about eighty by water, as measured upon the map. Here a town grew up, with the progress of population called a city. It was the seat of government and continued so to be, till 1694, when the

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* 2 Bozman, 571.
† Father White, p. 19.
‡ 2 Bozman, 30.
§ Ibid, p. 21.

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government was removed to the city of Annapolis. In 1720 the State House was given to the parish of William and Mary for a church. In 1830, the building was very much decayed and a new edifice was erected in its place, the only building now on the spot, where the city of St. Mary's once was. Now then, there were at this time within the Territory of Maryland two settlements; one of which, consisting of more than one hundred, had been settled on Kent Island, for five or six years. This was a Church of England Settlement and had a resident Church of England clergyman. Its proprietor was a Protestant, and it was under the Protestant Government of Virginia. A settlement as before mentioned had been made at Christina on the Delaware--which was also Protestant, but was not at this time, it is believed, replaced.

The other of the two mentioned was the settlement at St. Mary's, consisting of about two hundred. Its proprietor was a Roman Catholic and so was it government. Its priests were of the Order of the Jesuits. The settlers were partly romanists and partly protestants. So that putting the settlers of both the settlements together, it is by no means unlikely, that the majority was Protestant even then.

The claim of Virginia on Kent Island, as understood by Virginians, had been sustained at least for the time being, by the Privy Council in England, and also by the Governor and Council of Virginia. And now, four months after the arrival of Lord Baltimore's colonists in St. Mary's, on the 22d of July, the committee of the privy council for the colonies, known as the Commissioners for Plantations,* wrote to the Governor and Council of Virginia thus:†

"His majesty doth let you know, that 'tis not intended that interests which have been settled, when you were a corporation, should be impeached: that for the present, they may enjoy their estates with the same freedom and privilege, as they did, before the recalling of their patents:—to which purpose also, we do hereby authorize you, to dispose of such portions of lands to all those planters being freemen, as you had power to do before the year 1625." This shows, "that no invasion of any individual right of any Virginian was intended by Lord Baltimore's grant." Captain Claiborne and his islanders, as well as others, were thus informed, by these Commissioners, that they might still enjoy their estates, and that there was no intention that Lord Baltimore's patent should impeach their interests. They could not therefore but feel safe in their possessions. Backed then, as we have seen, by the Governor

* 1 Hazzard, 345; 2 Bozman, 42, note. † 2 Bozman, 571.

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and Council of Virginia, by the King's Privy Council, and his Commissioners also, can we wonder, that Captain Claiborne declined compliance with the intimation and claim of Lord Baltimore's Governor, Leonard Calvert?

Besides, not long after this, the date is not given, but circumstances show that it could not have been far from this time—as stated in Claiborne's petition,* "his majesty was pleased to signify his royal pleasure, by *letter*, intimating, that it was *contrary to justice* and to the *true intent* of his majesty's grant to Lord Baltimore, [to dispossess them of Kent Island,]—that notwithstanding the said patent, *the petitioners* should have freedom of trade, requiring the Governor and all others in Virginia to be aiding and assisting them,—prohibiting the Lord Baltimore, and all other pretenders under him, to offer them any violence, or to disturb or molest them in their (Kent Island) plantation." Bozman says "it is not to be doubted, but that a letter of that import, was signed by his majesty."†

And yet, notwithstanding all this, in September of this very year, Lord Baltimore in England, issues orders to his Governor in Maryland, "that if Claiborne would not submit to his government, he should be *seized and punished.*"‡ Yes, seized and punished, if he would not submit to his, Lord B's government!

But with this the King's own declaration before him, that Lord Baltimore's claim was contrary to justice, and to the true intent of his, Lord B's patent; and the decisions of the Privy Council, and the Commissioners, and the Governor and Council of Virginia just mentioned, is it surprising, that Captain Claiborne should not submit? Besides, what was this order but a declaration of War? And it was, as we shall presently see, not only against Capt. Claiborne, but it included also his Protestant settlement. It was not merely personal, it was a contest for the possession and government of Kent Island. Or is it surprising that such a declaration of hostility—showing Lord Baltimore to be his enemy—that Claiborne should be the enemy of Lord Baltimore?

"A *historian* of the Colony," says Dr. Hawks,§ "has not scrupled to call him—Claiborne—'the bane of Maryland,' despising, in 1634, the authority of the infant settlement, because its *power* was less than its *right*." The historian mentioned was none other than Lord Baltimore himself, in a pamphlet of a few pages—and as to Lord Baltimore's power being less than his right, the reader can judge for himself.

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* 2 Bozman, 582.
† 2 Bozman, 69, note.
‡ 2 Bozman, 33.
§ Eccl. Contributions Md., 25.

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In the carrying on of this contest, a circumstance is mentioned, which has called forth much condemnation of Claiborne. Bozman says,* "that he made an ungenerous and cruel attempt to set the savages at war upon this infant colony," at St. Mary's, and places it after the failure, "to seize and punish him," and as it would seem near the end of the year, on the authority of the writers to whom he refers. Mr. B. U. Campbell, on the same authorities, places it in the early part of the following year. But Father White, in his narrative,† written before the expiration of one month from the landing at St. Mary's, speaks of it as having occurred before he wrote, and as the work of Capt. Fleet under Claiborne's influence. "At the first, he, Captain Fleet, was very friendly to us. Afterwards, seduced by the evil counsels of a certain Claiborne, who entertained the most hostile disposition, he stirred up the minds of the natives against us, with all the art of which he was master." "We have been here only one month."‡ Thus Father White, writing on the spot, and at the time, ascribes it to Captain Fleet, bringing in only Claiborne's influence. Captain Fleet was indeed in the Colony. But Claiborne was a hundred miles off. This Captain Fleet was an Indian trader from the Jamestown Colony,§ induced by Governor Calvert when there, to serve the Maryland Colony, by having a portion of the beaver trade, and was a Protestant. But clearly, in the estimation of Governor Calvert himself and the St. Marians, it was no great fault he had committed, if even true, and was easily and fully forgiven, for he continued to reside in the Colony for some years. In the second year of the Colony, the Governor and Council had four thousand acres of land conveyed to him.‖ Four years after, 1638, he was a member of the Assembly,¶ and licensed to trade with the Indians;** and in 1644, was appointed to go against the Indians with twenty men.††

We have said that the contest was not merely personal, between Lord Baltimore and Captain Claiborne. In a report of the Committee of the Navy to Parliament, dated Dec. 31st, 1652, it is stated, "that upon the arrival of Lord Baltimore's agent in Maryland, 1634, the *Virginians* were prohibited from trading with the Indians, in any part of Maryland, to which formerly they had been accustomed."‡‡ This prohibition was unquestionably leveled against the Kent Islanders themselves, here called by high authority, Virginians.

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* 2 Bozman, 33. † p. 20. ‡ 2 Bozman, 24. § Streeter, 17.
‖ Kilty, 64. ¶ 2 Bozman, 55. **2 idem, 592. †† 2 idem, 276.
‡‡ Virginia and Maryland, p. 21.

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1635.

From the narrative of Father White* and others, we learn, that with the emigrants who came out this year, there was the addition of another priest to the number already in the Colony. The narrative remarks, that "from this Mission, which was but lately commenced, there has been as yet but small fruit, on account of the very many difficulties which occur in it, especially among the barbarians whose language is slowly acquired by our countrymen. Nothing in a manner can be written. There are five members in it, three priests and two lay coadjutors, who, with much alacrity, sustain their present labors in hope of future success." Thus in a Colony, not all Roman Catholics, consisting of but little upward of three hundred, if so many, there was full provision for the religious oversight of the Romanists and a mission to the natives also. While, so far as the ministry was concerned, the Protestant portion of the Colony were unprovided for. And we cannot but wonder somewhat, if Maryland was intended for an asylum for the oppressed Roman Catholics of England, why so many Protestant emigrants were brought into the Colony; and, not less, why so many being brought in, no Protestant Ministry was provided to care for them. But they had, notwithstanding, their guides and helps, which their Romanist brethren had not. They had the Bible and the Book of Common Prayer, and that, too, in their own language; and were themselves a part of that spiritual priesthood of which St. Peter speaks,† to offer up spiritual sacrifices, acceptable to God by Jesus Christ. As has been well remarked,‡ "all the faithful, baptized into One Body and having drank of one Spirit, constitute that single Vine, that single Spouse, that single Church, which altogether *each member discharging its own separate duty and ministry*, is sent into the world by Christ, even as He was sent by the Father."

The Romanists had indeed their priests there, but their Bible and their Mass book, in which their prayers were, were in an unknown tongue, the Latin, or otherwise quite beyond their reach; while the Protestants had their Bible and Prayer book in their own language, and could thereby search the Scriptures daily, as the noble Bereans§ of old did, whether the things taught them, by those around them, were in truth taught there. It is a matter to be much regretted, that we have no more account of what was the condition of the Protestants, furnished us, as

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* p. 24.

† 1 Ep. ii, 5, 9.

‡ Moberly's forty days, p. 79.

§ Acts xvii, 11.

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that of the Romanists was, by a cotemporary writer of their own. As it is, we learn little about them except from incidental facts. The commercial spirit of individual Protestants of that day, seems to have been as absorbing, as it still is, so that the things of the kingdom of God were not sought first. Lord Baltimore could avail himself of them to swell the number of his Colonists and increase his revenue from their occupation of his lands, but he could make no provision for their religious wants. He could care for his own—the Romanists, and for the poor Indian—but not for Protestants.

For the Protestants of Kent Island, as we have seen, Captain Claiborne did make provision. A Protestant Minister was there, and indeed more than one; for among the depositions taken in Virginia, 1640, "allowances for Ministers," are testified to, among the expenses incurred by Captain Claiborne between the years 1631–1636 inclusive, on Kent Island. For this and other interesting facts, I am indebted to the kindness and personal examination of the Virginia Colonial Records, to S. F. Streeter, Esq., Baltimore.

In the narrative of Father White,* one fact is mentioned, perhaps deserving of notice. It is this, "four servants that we bought for necessary use in Virginia." One of these was Francisco, a mulatto. For, in a memorandum recorded, p. 37, in the oldest land record book of the province of Maryland, there is mention made, that "Francisco, a *molato*, was brought in by Andrew White, in the year 1635," and right to land was therefore claimed.† This is the first notice on record, of the introduction of this race into the Province. This fact is mentioned in connection with the record, because the owner was entitled to one hundred acres of land, for bringing in a servant. Father White, therefore, must have the credit of introducing colored servants by purchase, into Maryland.

But our attention is called here to the progress of the war between the government of St. Mary's and the Kent Islanders. It is stated,‡ that early this year, Captain Claiborne granted a special warrant to Lieutenant Warren, to seize and capture any of the vessels belonging to the Government or Colonists of St. Mary's; and in pursuance thereof, an armed boat, belonging to Claiborne, was fitted out for this purpose and manned with about fourteen men. The authority for this statement is not given us by our author. Bearing in mind, however, that Claiborne's seizure and punishment had been ordered—and in his seizure, &c., that of his

* p. 25. † 2 Bozman, 571. ‡ 2 Bozman, 34.

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islanders—it will not appear astonishing that he should prepare to act on the defensive, or to make reprisals even, if found needful. Our author also states that the government of St. Mary's, *probably* apprized of Captain Claiborne's measures, equipped and armed two boats under the command of Captain Cornwallis, one of the Governor's assistants. In April, or May, these boats met Captain Claiborne's boat, in the Pokomoke River—where Captain Cornwallis had gone in pursuit—and the result was, that a battle ensued, in which one of Lord Baltimore's men was killed; and Lieutenant Warren, and two others of Captain Claiborne's men, were also killed, and the rest of his men and his boat were taken. Thus it will be seen that the order to seize and punish Captain Claiborne, was understood to include his Colonists, for Captain Claiborne himself was not there.

Captain Claiborne, however, in his petition to the King, gives quite another version of the affair. And it is but right that he should have a hearing. He states there, and the statement he well knew would be denied and disproved too, if not true, that "his boats had gone with goods to purchase corn of the Indians, being utterly destitute of themselves." It was in pursuance of this design, he says, that his boats went out. And it is notorious, that his boats and men were found by the enemy, not at Kent Island, nor near even to the St. Mary's Colony, but lower down, and on the opposite side of the Bay therefrom, some seventy miles distant, near the Pokomoke Indians, on the Pokomoke River, from whom corn was to be obtained in trade. And here it is admitted that Captain Claiborne's boat was found, on the 23d of April,* when the capture took place. There was also another rencontre, in the same River, on the 10th of May, the particulars of which are not stated.

Each party indeed claim, that the other fired first. But it certainly matters little which fires the first gun when a state of war exists. Either side may have fired first, and still have been acting only in defense. Captain Claiborne was at this time in Virginia, where it is claimed he had *fled* for refuge. But it seems unfortunate for this charge, that he was not a resident of Kent Island, but of Jamestown, where his duties as a member of the Council and Secretary of State, required him to be. He was no more a resident in his Colony, than Lord Baltimore was in his.

Governor Calvert, however, sends Commissioners to the Governor of Virginia to reclaim him, as a *criminal* against the *laws of Maryland;* and yet, singularly enough, not a single law had as yet been enacted in

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*Streeter.

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Maryland. The only law was *the order* given by Lord Baltimore for Claiborne's "seizure and punishment." This was unquestionably presuming on Governor Harvey's friendship for Lord Baltimore and his opposition to Captain Claiborne. But the Governor had just then been deposed by the people of Virginia, and sent to England. It is sufficient, therefore, to say, that they did not comply with Governor Calvert's demand. The demand, indeed, showed an unauthorized assumption of power. It had not yet been decided in England that Captain Claiborne or his Colony, were at all amenable to Lord Baltimore's jurisdiction. The Courts of law there, had not yet decided upon the validity, or invalidity, of their claim, while, as we have seen, the King, the Privy Council, the Commissioners of plantations, together with the Governor and Council of Virginia, had, for the time being at least, sustained their claim. And it was in the face of all this, that war was made on the Kent Islanders—three men killed—eleven captured--their goods and boat taken, and the proprietor himself claimed as a *criminal!* Such was the war waged by the Roman Catholic Government of St. Mary's, against the Protestants of Kent Island.

1636.

We have very little bearing on the main point before us, the religious condition of Maryland, relating to this year. The narrative of Father White and others, shows us only, that another priest had been added to the number on the ground, that there was one temporal coadjutor less—but no letters are published as having been sent to the superiors. There were now thus four priests and one lay assistant.

1637.

This year, we have nothing from Father White and those associated with him, unless what is stated above of last year belongs to this—which is doubtless the fact. For we learn from Mr. Campbell, on the Roman Catholic Missions, that a fourth priest arrived this year, known as Thomas Copley, Esq. He says, that "in the oldest book in the land office,* I find the following entry: 'Thomas Copley, Esq., demandeth four thousand acres of land, due by conditions of plantation, for transporting into this province himself, and twenty able men at his own charge, to plant and inhabit in the year 1637.' It is no objection to his identity with the Missionary of the same name, that the record calls him 'Esq.,' for it would not have been safe, at that period, to have openly recognized a Romish

* L. I., fol. 25.

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priest by the title of *Rev.;* and in the State records, we find a prudent caution in this respect to any apparent disregard of the penal laws, then in force in the mother country against Romish priests, and Jesuits in particular."—"A proof that Mr. Copley was a Jesuit priest, and engaged in Missionary duty in Maryland, is found in an original letter," in which "he is called Father Copley." Touching this same individual, we find in Kilty's Landholder's Assistant, this extract from the same records: "Came into this province the 8th of August, 1637, Mr. Thomas Copley and Mr. John Knowles, who transported R. H., L. G., W. K., &c.—and p. 86—to the number of nineteen." Just before this, is the following entry: "Entered by Mr. Copley—brought into this province, in the year 1633, O. S., Mr. Andrew White, Mr. John Altham, &c., Thomas H., &c., &c., to the number of thirty." He seems thus to have been the agent in procuring the first Colonists that came over in 1634, as well as those of the present year, and also in securing their lands, as promised to emigrants. And thus the priests secured their portions of lands, not less than did the other settlers; lands which, it is understood, went to the Roman Catholic Church itself by the very vows of this priestly Order. This Thomas Copley, Esq., does not appear to have been known however to the Protestants, in his real character of a Jesuit Father.

From the entries made in the land records, we are shown that there were many Colonists who came over this year.

In the spring or fall of this year, it appears that Capt. Claiborne repaired to England. Previously to this, there is no proof that he was there, after he came into the Colony. And either by himself, or his agents, such representations had been made to the King, as called forth from him the following order* to Lord Baltimore:

"Whereas formerly, by our royal letters to the Governor and Council of Virginia, and to others, our officers and subjects in those parts, we signified our pleasure that William Claiborne, David Morehead and other planters, in the Island near Virginia, which they have nominated Kent Island, *should in no sort be interrupted in their trade or plantation* by you, or any other on your right, *but rather be encouraged to proceed cheerfully in so good a work*, we do now understand, that though *your agents had notice* of our said pleasure, signified by our letters, yet contrary thereto, they have slain three of our subjects there, and by force, possessed themselves by right of that Island, and carried away both the persons and estates of said planters. Now, out of our royal care to pre-

* 2 Bozman, 585.

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vent such disorders, as we have referred to our Commissioners of Plantations the examination of the truth of these complaints, and require them to proceed therein according to justice, so, now, by these particular letters to yourself, we strictly *require and command you*, to perform what our general letter did enjoin, and that the above named planters and their agents may enjoy, in the meantime, their possessions and *be safe in their persons and goods* there, without *disturbance* or *further trouble* by *you, or any of yours*, till that cause be decided. And herein we expect your ready conformity that we may have no cause of any further mislike." Dated July 14th, 1638, in the copy, but should be 1637, as is proved by other documents.

"Lord Baltimore on receiving the order, with an attention which," says Chalmers,* "he deemed due to the command of his Prince, though founded on misinformation, said that he would wait on the King and give him perfect satisfaction!" What satisfaction he gave him is not known—but such was the King's order to him. He was required and commanded, that the Protestants of Kent Island enjoy their possessions, and be safe in their persons and goods, without any further disturbance.

What misinformation was given by Captain Claiborne, as alleged by Lord Baltimore, we are not informed. But that he had indeed possessed himself of the goods and estates of some of the Kent Islanders, the Virginia and English records furnish full proof. The Rev. Richard James, as before stated, was a resident clergyman on Kent Island, for some years up to the present. This gentleman, it appears, had previously been librarian to Sir Robert Cotton, the famous antiquarian; and when Sir George Calvert, the first Lord Baltimore, obtained as a Protestant his charter of Avalon, in the Island of Newfoundland, and took his Protestant Colony thither, he was the Minister there. We next find him as above stated, the Minister of Kent Island. In this year, he seems to have accompanied Captain Claiborne to England, and to have died at Sir Robert Cotton's in 1638.† On Captain Claiborne's return to Virginia, he administered on the Rev. Mr. James' estate, and August 1st, 1640, is found this record: "Captain Claiborne, administrator of Richard James, Minister, brought into Court at James' City, his inventory and account. He alleged, that the Governor of Maryland had seized on the greater part of the estate of Mr. James, and detained it from him, Claiborne." He therefore asked to be discharged, which was granted;‡ so, also, in

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* 2 Bozman, 72. † Wood's Atheniensis, &c.

‡ Streeter, from Virginia and English records and depositions.

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another record, December 30th, 1637, the cattle of Gertrude James were seized by a writ from St. Mary's. This, it is apprehended, is proof, that the Roman Catholic Government of St. Mary's, did possess itself of the goods and estate of at least one Kent Islander, and that one, the Protestant clergyman of the Island, or rather his widow!

And now, how went on matters at Kent Island, subsequently to the disaster on the Pokomoke bay, in the spring of 1635? Did the Protestants there, at once submit to Lord Baltimore's government upon the defeat and capture of their men and boats, when one-seventh of their Colony were killed and taken? Very far otherwise. The remainder of the year 1635 passes away—all of '36 and all of '37, to its very last day,* when we find, that the Isle of Kent had been only *in some measure reduced* to the obedience of Lord Baltimore, and George Evelyn, a Roman Catholic, the owner of the barony of Evlinton, St. Mary's, was appointed commander of the Island, and John Langford, another Roman Catholic, high sheriff† then, or soon after. Thus, though deprived now of the superintendence of their proprietary, and so long before of one-seventh of their most valiant men, yet, now, at the end of near three years, they were only in *some measure* reduced to Lord Baltimore's government.

1638.

Although Kent Island had been thus partially subjected to Lord Baltimore's Roman Catholic Government, during the latter part of the last year, yet the Colonists there were so far from being quiet, or submissive to his Lordship's government,‡ that there were insolences and mutinies and contempts of the government of the province there. Governor Calvert, therefore, *himself*, had to proceed with a *military force*, to reduce the Colonists there to his government, which, it appears, he accomplished in the month of March. And all this, notwithstanding the King's order of the previous July to Lord Baltimore; and the more easily, as Captain Claiborne was now in England, so that the Kent Islanders were deprived of his aid.

Previous to this, on the 25th of January, commenced the second General Assembly held at St. Mary's, nearly four years from its first settlement.§ It was composed of the Governor and his Council; such individuals as the Governor specially summoned, and burgesses or representatives of those not personally summoned, together with every freeman

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* 2 Bozman, 44. † Ibid, 51. ‡ Ibid, 62. § Ibid, 49.

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who had not voted for a burgess. Each member had his own vote, and as many more as had been given him by proxy, of freemen not present. The number of members present, before its final adjournment, appear to have been seventeen, giving and representing fifty-six votes. Among those present, were the Commandant and High Sheriff of Kent Island, and Robert Philpott, gentleman, of the same Island. Capt. Henry Fleet and some other Protestants were also members. Those who were personally summoned, were Thomas Copley, Esq,, and Fathers White and Altham, the three Jesuit Priests before mentioned. But Mr. Campbell tells us, that they desired to be excused.

To this Assembly was submitted the laws transmitted to the Colony by Lord Baltimore, and they were rejected, the Governor and Secretary having fourteen votes only, voting in their favor. The Assembly, after some other business, adjourned to the 8th of February. The Assembly met at the time appointed, and again rejected Lord Baltimore's laws, and soon adjourned to the 26th. But the Governor, not returning from his expedition to Kent Island, above spoken of, the Assembly did not meet until the 12th of March, when seventeen bills, presented by a Committee, were passed.

Bozman says,* did the duty of an historian allow him to mention his conjecture, a *plausible supposition* may be made, that the dispute about the reception of these laws, was dictated more by a political contest for the right *of propounding laws* to be enacted by the Assembly, than any other cause." Previous to this, by three years, it is said, an Assembly had met February, 1635, and passed some Acts which were sent to Lord Baltimore for his concurrence, which he had rejected. And now the laws originated and sent over by Lord Baltimore, were rejected by the Assembly. But that the contest was about the right of originating and propounding laws, is admitted to be only "a plausable supposition;" and granting it, may it not be an equally plausable supposition, that the exercise of this right had something to do with Romanism and Protestantism? He who knows anything of the state of things in England at that time, may readily indeed so suppose. And the popular influence of Protestantism in the Colony, was not small. Captain Fleet, a member of the Assembly, was a known Protestant, as well as others; and Captain Cornwallis, so tradition reports, was also one, either at that time, or not long after. And he was clearly, the most popular man in the Assembly, receiving ten more votes, when the appointment of a Committee was made, than any other member.

† 2 Bozman, 56.

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The most peculiar Act of this body, was a Bill for the attainder of "William Claiborne, gentleman."* He not being taken, and being absent from the country, was proceeded against in this way, and by this Bill his property in Kent Island was forfeited to Lord Baltimore. Upon the adjournment of the Assembly, on the 14th of March, it constituted itself into a Court of Justice, and Thomas Smith, the second in command at the battle on the Pokomoke, three years previous, was called to the bar for felony and piracy, and condemned, and thus sentenced: "You shall be carried from hence, to the place from whence you came, and thence to the place of execution, and shall be there hanged by the neck until you be dead; and that all your lands, goods and chattels, shall be forfeited to the Lord proprietary," &c. And this sentence was executed.

And by whom was this done? In part by the very men who had fought against him in the battle, and killed his commander by his side, and three of his men. They were the witnesses before the Grand Jury, and consenting Judges in his condemnation; and who were themselves deserving of the same condemnation, if Smith himself was not deserving it. At this, who can help being astonished, when as yet, the Courts in England had not decided on the injustice of Captain Claiborne's Virginia claim, when the Privy Council and the Board of Commissioners, had given the decision which they had, and when only on the July previous, the King had strictly required and commanded Lord Baltimore and his agents in Maryland, that the Kent Islanders should enjoy their possessions, and be safe in their persons and goods! Verily this was taking law and vengeance into their own hands!

But it must be remembered, that at this period, feudal tenures were not entirely abolished; and that the dependents of a Lord were accustomed to range themselves on his side, and act in his defense, leaving to him the matter of settling the right or wrong of the case; and in this view of it, the responsibility rested on Lord Baltimore himself, his Colonists being his agents simply.

On the 26th of February, the King laid before the Commissioners for Plantations, the following petition from William Claiborne and his partners†—he being then in England where he had voluntarily gone, as has been stated, some time during the previous year. The date of the petition is not given. He shows: "that the petitioners, by virtue of a commission under his Majesty's hand, &c., divers years past, discovered and

* 2 Bozman, 64.

† 2 Bozman, 582.

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did then plant upon an Island in the great Bay of Chesapeake, in Virginia, by them named the Isle of Kent, which they bought of the Kings of the country, and built houses, transported cattle, and settled people thereon, to their very great costs and charges; which the Lord Baltimore taking notice thereof, and the great hopes for trade of beavers and other commodities, like to ensue by the petitioner's discoveries, hath since obtained a patent from your Majesty, comprehending said Island within the limits thereof, and sought thereby to dispossess the petitioners thereof, and debar them of their discovery, &c. Complaint thereof being made, your Majesty was pleased to signify your royal pleasure by *letter*, intimating, that it was contrary to justice, and the true intent of your Majesty's grant to the said Lord Baltimore—that notwithstanding the said patent, the petitioners should have freedom of trade, requiring the Governor, and all others in Virginia, to be aiding and assisting unto them, prohibiting the Lord Baltimore and all other pretenders under him, to offer them any violence, or to disturb or molest them in their plantation, as by your Majesty's letter annexed, appeareth. Since which, albeit, your Majesty's royal pleasure hath been made known to Sir John Harvey, Governor of Virginia, (who slighted the same,) as also to Lord Baltimore and his agents there, yet they have, in a most willful and contemptuous manner, disobeyed the same, and violently set upon your petitioners' pinnaces and boats, having goods to trade, and seized them, and do still detain the same, by the loss of which pinnaces and goods, the inhabitants within the said Isle, were in so great famine and misery, as they became utterly destitute of any corn to sustain themselves; which enforced them to send a small boat to know why they obeyed not your Majesty's said royal letter and commands, * * * * * * the said pinnace and goods to enable them to trade for Corn* * * * which boat, approaching near unto some vessel of the said Lord Baltimore's, or his agents, they shot among the petitioners' men, and slew three of them and took eleven more; and not content with these great injuries, the said Lord Baltimore and his agents, have openly defamed and unjustly accused the petitioners, of —— crimes to his exceeding great grief, which hath caused him purposely to repair into this Kingdom, and humbly prostrate himself and his cause at his Majesty's feet, to be relieved therein."

The rest of the petition relates to other matters—making proposals for a new grant and commission. And what is the record of the Privy Council at the same date when the petition was referred? It is in part

* Blanks in the record.

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this—" His Majesty approving the proposals made in this petition, for the advancement of those plantations, [Kent Island and Palmer's Island,] &c., is graciously pleased to confirm what was contained in his former commission and letter, under the broad seal," and directs the Commissioners of plantations "to settle such a grant of the things herein desired, as they shall think fit to be prepared by him [the Attorney] for his Majesty's signature. Their Lordships are also to examine the wrongs complained of, and certify to his Majesty what they think fit to be done for the redress hereof." Signed by the Secretary, &c.

On the 4th of April, the Lord's Commissioners having heard the case, decided, "that the right and title to the Isle of Kent and other places in question, to be absolutely belonging to Lord Baltimore; and that no plantation or trade with the Indians ought to be within the precints of his patent without leave from him. And concerning the violences and wrongs by the said Claiborne and others complained of," they left "both sides to the ordinary course of justice."

They said, that Claiborne confessed the Isle of Kent to be within the bounds and limits of Lord Baltimore's patent; and so it was. They also said, that Claiborne's Commission, referring to the license of 1631, was only a license to trade with the Indians, *under the signet of Scotland*—not under the broad seal; which did not extend, nor give warrant to Claiborne or any other—nor had they any right or title *thereby* to the Isle of Kent, or to plant or trade there. This discovery of Claiborne's license being signed by only the Signet of Scotland, instead of the broad seal of England, shows that gross imposition had been practiced upon him. Kilty, in his Landholder's Assistant,* says, judging from what appears on record, "I consider him as a man trifled with by the Crown, for the traffic in his license being that of furs, &c., with the natives, could not well be carried on without settlements. Being turned over and subjected to Lord Baltimore, without any compensation for his disappointment, he had all the excuse that can arise from high provocation, for his subsequent procedures."

The claim of Captain Claiborne, on the ground of prior occupancy, does not seem by the Commissioners to have been thought worth noticing; for they passed it by without any reference to it. And yet on this very ground, under the claim of the Penns, of Pennsylvania, in a subsequent year, 1685, all that is now Delaware, being one million two hundred and sixty-seven thousand two hundred acres,† within the bounda-

* Page 17. † Scott's Geog. Del.

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ries of Lord Baltimore's patent, was taken from him and given to them, by the decision of the Privy Council. And it does not appear that the claim of prior occupancy was even as good as was that of the Virginians to Kent Island.* Either the one or the other decision, therefore, was clearly wrong. And if the first decision was not right, does not the latter look something like retributive justice? For, though by gaining his case in the first instance, he gained thirty-nine thousand acres, yet in losing it in the other, by the Penns, he lost, as just stated, one million two hundred and sixty-seven thousand two hundred acres. There was a power behind the throne greater than the throne.

It has been said,† that "Lord Baltimore's motives were *purely political* and *religious*," while "Claiborne's was founded on *private self-interest*, though plausibly holding out, at the same time, the possibility of immediate commercial advantages to the nation or its monarch." That the motives of the Secretary of Virginia were founded on private self-interest, need not be denied; and yet the annual rent which he imposed on his Colonists amounted, in each case, to only two capons; said, then, to be equal to sixteen pounds of tobacco, or one bushel of wheat, or two shillings; which allowing the entire Island to have been divided into farms of fifty acres each, and taken up, would give him only seventy-eight pounds sterling a year.

But was there no private self-interest in Lord Baltimore's case? By his terms of plantation of 1636, every first adventurer in 1634, for every five men between sixteen and fifty years of age, which he brought over, received two thousand acres, subject to a yearly rent of four hundred pounds of wheat, or one pound to every five acres. To every one within that year, 1636, bringing out less than five men, one hundred acres for himself, one hundred for his wife and every servant; and for every child, under sixteen years of age, fifty acres, subject to an annual rent of ten pounds of wheat for every fifty acres, or, as before, one pound to every five acres.‡ The terms of plantation, however, were subsequently changed. But what would the annual income be at this rate, were all Lord Baltimore's lands taken up? Why, £7,767, or about $34,000. And this sum is even actually less than his annual rents are stated to have been in 1770, by a thousand dollars. This certainly was moderate enough. And the amount said to have been expended by him, could have doubtless been better invested. But the Government of the Colony was paid for by the Colonists, and some of the members of the family

* 1 McMahon, 32. † 2 Bozman, 71. ‡ Ibid, 36.

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were provided with places in that Government. Besides, there was the honor of being proprietor of such wide lands, and having so many tenants. It told large. No other individual in England could boast of anything like such domains. If this view indicates, as it so clearly does, some regard to self-interest, other facts unquestionably confirm it. The Colonial Assembly's letter to Lord Baltimore in 1649,* for instance, will show somewhat how intent he was upon this matter of property. The stock on his plantation in the Colony had been pledged by Governor Calvert, his brother, to pay the soldiers employed by him—to regain the province from the usurpation of Ingle and others; and he finds such fault with the pledge having been fulfilled, that the Assembly say to him, "We much wonder that your honor should *consider*, or *think much*, that a few cattle, not above eleven or twelve cows at most, of your lordship's known clear stock, and those conquered again to your lordship, and taken from the unlawful possessor, should be distributed among those men who had ventured and hazzarded their fortunes, lives and estates, in the defense, recovery and preservation of your lordship's province;" and much more to the same purpose.

But Lord Baltimore's "motives were purely political and religious"! Passing those merely political, whatever the first Lord Baltimore's motives were, who negotiated the charter, the second Lord Baltimore, to whom it was actually given, certainly found England so safe and pleasant a place of residence, that he never came over to his Maryland Colony. And just as certainly he did not seek to make his province an exclusive asylum for his Roman Catholic brethren. Witness the fact of so large a portion of the first Colonists being Protestants; his invitation to Captain Fleet; his invitation to the Puritan Colonists of Massachusetts to come and reside in the Colony in 1643;† his constituting Colonel Stone his Governor in 1648, who was a Protestant, and was to bring in five hundred Colonists; his admitting the Puritans of Virginia in the same year; and in the year following creating a new County for Robert Brooke, a Puritan, and his Colonists. This shows, beyond question, that he was more solicitous to settle his lands, and thus secure some income from them, than he was to render his province a religious asylum for his brethren of his own faith. But we pass on.

In July of this year, 1638, occurred a well known incident to every reader of Maryland history, which shows something of the religious con-

* 2 Bozman, 666.

† Hawks' Maryland, 30.

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dition of the St. Mary's Colonists.* Captain Cornwallis, a member of the Council, had some servants so called, white men they were, who, as the custom then was, had sold themselves to him for a term of years, to pay for their passage across the ocean, who were Protestants. They were residents in the same house with William Lewis, a zealous Roman Catholic, who had them in charge. Among them were Francis Gray and Robert Sedgrave. They were one day reading Smith's Sermons, and reading aloud, where he remarks, "that the Pope is anti-Christ—the Jesuits anti-Christian Ministers," &c. Lewis told them, "that it was a falsehood, and came from the devil, as all lies did, and that he that writ it was an instrument of the devil, and he would prove it, and that all Protestant Ministers were of the devil," and forbade them reading any more.

Soon after, Sedgrave, at the request of Gray, drew up the following petition, to be signed by the Protestants on the next Sunday at the Chapel, which petition, Lewis said, was to be presented to Governor Harvey, of Virginia; but the others said it was for the Governor and Council of the Province.

"Christopher Carroll, Ellis Beache, R'd. Sedgrave, and others, which may hereafter be brought forth: Beloved in the Lord, &c.—this is to give you notice, *of the abuses and scandalous reproaches which God and his ministers do daily suffer*, by William Lewis, of St. Inigoes; who saith, that our Ministers are Ministers of the devil, and that our books are made by the instruments of the devil, and further saith, that ———† who are under his charge, *shall keep nor read any books which doth appertain to our religion*, within the house of the said William Lewis, to the great discomfort of those poor bondmen, who are under his subjection, especially, in *this heathen country*, where *no godly Minister is*, to teach and instruct ignorant people in the grounds of religion. And as for people who ——— unto the said Lewis, or otherwise, to pass the week, the said Lewis takes occasion to call them into his chambers and there *laboreth with all vehemence, craft, and subtility, to delude ignorant persons.* Therefore we beseech you, brethren, in the Lord and Saviour Jesus Christ, that you who have the power, that you will do what lieth in you to have these absurd and ridiculous ——— to be reclaimed, and that God and his Ministers may not be so grievously trodden down by such ignominious speeches: and no doubt but you, or they, who strive to uphold God's Ministers and word, ——— all be crowned with eternal

* 2 Bozman, 596, from the proceedings of the Governor and Council.

† Blanks in the record.

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joy and felicity. to reign in that eternal kingdom with Jesus Christ, under whose banner we fight ever more."

Both of the parties were summoned before the Governor and Council, and witnesses were examined. Lewis was found "guilty of an offensive and indiscreet speech, in calling the author of the book an instrument of the devil—and of a very offensive speech, in calling Protestant Ministers the Ministers of the devil, and to have exceeded in forbidding them to read *a book, allowed and lawful to be read by the state of England*, and because that these offensive speeches, and other of his unreasonable disputations in point of religion, tended to the disturbance of the public peace and quiet of the Colony, and were committed by him against a public proclamation set forth to prohibit all such disputes," or, as stated by Captain Cornwallis, made "for the suppressing all further disputes tending to the opening of a faction in religion." Therefore he was fined 500 lbs. of tobacco to the Lord of the Province, and was bound over to good behavior, giving security therefor, in 3,000 pounds of tobacco.

The Smith, whose Sermons are here spoken of, was Henrie Smith.* He was a member of Lincoln College in 1575, and "esteemed the miracle and wonder of his age, for his prodigious memory, and for his fluent, eloquent, and practical way of preaching." He took his degree in 1583, and "was lecturer of St. Clement Danes, without the Temple Bar, near London, which was much frequented by the puritanical party. He was in very great renown among men in 1593, in which year he died, aet 34."

The volume of Sermons from which those servants were reading, it is presumed, was a fac simile of the copy now before us.† It is an 18mo. of upwards of a thousand pages, just such a volume as we might naturally suppose would find its way into an emigrant's chest. The Sermons are such as we might expect from such an one as described by Woods, and answers well to the character of the times. In a sermon from Job i, 7, which, as given in the old translation then in use, reads thus: "Then the Lord said unto Satan, whence comest thou? And Satan answered the Lord, saying—from compassing the earth to and fro, and from walking up and down in it." In the sermon, there is found the following passage, and was doubtless the very one which the servants were then reading, as it is the only one in the volume which answers the allegation of Lewis. "As the serpent compasseth, so does his seed—and therefore doth Solomon call the ways of the wicked, crooked ways.

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* Wood's *Athenae Oxonienses.*

† *Ex libris*, Bishop Whitingham.

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This is the great compasser. There be little compassers beside, like the Pharisees, of whom it is said, that they compass sea and land to make one like themselves. Instead of these compassers, *we* have Seminary priests which compass from Rome to Tyburn, to draw one from Christ to anti-Christ. I will not name all compassers, lest I be compassed myself; but this I speak within compass, that there is a craft in compassing, and Satan is the craftiest Master, and the rest are his prentices or factors under him." The first Sermon in the volume was printed in 1592, and stated to be printed after the author's death. Woods, consequently, must be wrong by a year, in the date which he assigns for his death.

There are various facts which this petition and trial present worthy of notice. One is, that there were a number of Protestant men in the St. Mary's Colony. Four are mentioned in connection with the petition, and others on the trial; that the Protestants had a chapel, and consequently were so numerous as to require one; that there was, notwithstanding their number, no Protestant Clergyman in the Colony, though worship was kept up by them, they being accustomed to meet in their chapel; and that these Protestants could write as well as read, and write to some purpose. The tone and wording of the petition shows them to be Puritanic; and this is confirmed by the very volume they read from in Lewis' house; true Church of England men had little sympathy with such authors in that day. Besides, while there was a common sympathy between the Roman Catholics and Puritans, they being alike oppressed and persecuted under the laws of that period, there was the most entire antipathy between them and the Church of England men. And this shows us, why all in the St. Mary's Colony so readily ranged themselves under Lord Baltimore's banners, against the Church of England men of Kent Island. The Puritans disliked the Churchmen not less than they did the Romanists.

We are told, indeed, that then and there, Roman Catholics and Protestants "lived in harmony."* But the facts elicited in this trial show us otherwise. We are shown here that there were offensive speeches and unreasonable disputations on religion, which tended to faction, to the disturbance of the public peace and quiet of the Colony; and that they were carried to such an extent that the Governor found himself obliged to issue a public proclamation to prevent them; and that men were fined and bound under heavy penalties to keep the peace for

* Hawks, 30.

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its open violation. Their living in harmony is a fancy picture. Would that it had been a true delineation.

We are shown here, also, that some at least of the Romanists were most earnest in their proselyting efforts. We shall see more of it as we proceed further, and the exasperation which it caused, and at the same time, how firmly these Protestants, without a shepherd, stood their ground. And one thing more. We are shown that the Governor and his assistants were prompt in sustaining the rights and privileges of the Protestants, as secured by the Charter, to which attention has been called. In their decision, they state incidentally, the very ground on which they acted—"the book was allowed and *lawful* to be read in the State of England." And by the Charter, they were not allowed to make any laws, repugnant or contrary to the laws, statutes, customs, and rights of the kingdom of England,* and consequently no judicial decisions.

The settling of the case was unquestionably creditable and honorable to them. But it must not be forgotten, that under the Charter they could not do otherwise. Besides, the Roman Catholics were a small minority in England, prescribed and excluded from office, and from many of the civil rights. The King was Protestant; and the Parliament was more Protestant than the King. The Romanists durst scarce lift up their heads—they were obliged to be submissively quiet. And in this colony:—while just across the Potomac was the rigidly Protestant colony of Virginia, ready always to act in defense of Protestantism,—the settlement on Kent Island was Protestant, and it is by no means certain that putting the Protestants of the Island and St. Mary's together, they did not at that very time, constitute a majority even in Maryland.

Mr. Bozman† estimates the population of St. Mary's at this time, to be about three hundred. There was however a considerable accession this year, by an arrival from abroad. Among the number was a Jesuit Priest, Father Pulton, and a lay coadjutor, Wm. Morley. But John Knowles, the coadjutor before spoken of, died, and also one of the priests, whose name is not known, a young man, said to be of great promise, who had been in the colony but two months. Nor did the other priests escape sickness. But no other died, and so the number continued as before. In the narrative of Father White and others,‡ they say, "we have not ceased, in an active manner, to exert our endeavors for our neighbors, [the Indians,] although it is not permitted us, by the rules of the province, to

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* Charter, Sec. 7. † 2 Bozman, 88. ‡ P. 25.

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live among the barbarians, both on account of the prevailing sickness, and the hostile acts which they commit. In the interim, we are *more earnestly* intent on the English. And since *there are Protestants* as well as Catholics in the colony, we have labored with both, and God has blessed our labors. For of the Protestants who came from England this year, almost all have been converted to the faith, besides many others, with four servants that *we bought* for necessary use in Virginia. And of five workmen, whom we hired for a month, we have in the mean time gained two." They were thus on their own showing, in proselyting indefatigable. But no station had yet, on this fifth year of the colony, been established among the Indians.

As illustrating something of the way in which some of the proselytes were gained, we may take the following in the narrative of this same year. "A certain one altogether unknown to us, but zealous in the religion of the Protestants, and staying with a host more fervent than himself, having been bitten by a snake, expected death every instant. One of our people understanding this, having taken a surgeon with him to the sick man, who was now said to be deprived of his senses, was anxious for his soul, that he might in a measure heal it also. But his host perceiving the thing, interrupted his pious endeavors. And when the priest could think of no other opportunity, he resolved to spend the night with the sick man. But the host then threw an impediment in the way of this also, and lest by night access might be granted to the priest, he set a watch who would sleep in a bed opposite to the door of the chamber. Nevertheless, *the priest taking advantage of every means*, at an unseasonable hour of the night, when he supposed the guard most oppressed with sleep, without his being aroused, found a way of entrance to the sick man, and admitted him into the Church as he desired it." The sleepless efforts to proselyte the neglected Protestants, who were kept without a shepherd, could hardly be better illustrated—"of this sort are they which creep into houses."*

1639.

Mr. Bozman estimates, from data which he gives, that the population of Kent Island at this time, was about one hundred and twenty,† and that of the St. Mary's Colony, to be about three hundred, though there were not more than two or three wealthy persons among them.‡

On the 25th of February, another General Assembly commenced its sessions.

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* 2 Tim. 3: 6. † 2 Bozman, 100. ‡ 2 Ibid, 156.

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The only thing done now, which particularly concerns the view we are taking of Maryland, is the Act which was passed "for Church liberties." It was re-enacted the next year, and in 1676, made a perpetual law. It enacts, "that Holy Church within this province, shall have and enjoy all her rights, liberties and franchises, wholly and without blemish;"* using thus, the very terms of the 10th section of the Charter, and showing our construction of it to be true. But what meant the words "Holy Church?" If they are to be construed under the construction of the 7th, 10th and 22d sections of the Charter, they must mean the then established Church of England. But this is not probable, the Lord proprietor being a Romanist, and also his Governor and so large a part of his colonists. And that they intended the Roman Catholic Church seems just as little probable, in view of the *condition* of the Romanists, and with the charter hanging over them. Chalmers does not therefore seem very far in the wrong when he says,† that "it would have puzzled the wisest doctors of the Church of Maryland in that day, to have told what her franchises were," or what Holy Church in that connection might mean. It cannot be conceded, then, that the remark of Chalmers is a "contemptuous sneer."‡ It may not however be much in the wrong, to admit that the Act might be made to mean, whatever present circumstances might require that it should mean.

In the sixth year of the St. Mary's Colony, the Jesuit Fathers had extended themselves throughout a large portion of the province. The narrative so often referred to states, that the number of the missionaries remained the same as the last year, but were located on places widely distant. Father John Brock, the Superior, with a coadjutor, remained in Metapawnian, which was given by Macquacomen, the king of Patuxent, and was the storehouse of the mission. Father Philip Fisher was at St. Mary's. Father John Gravener, alias Altham, was stationed at Kent Island, which, says the narrative, was sixty miles distant; and Father White was at Kittamaquenda, the metropolis of Piscatoe, with the King, Tayac—one hundred and twenty miles distant. B. U. Campbell says, that Father Brock's real name was Morgan, and that his station was near the mouth of the Patuxent, upon the land which had been given to the missionaries by the Indians, and was called Mattapani. It was afterwards, he says, relinquished to Lord Baltimore, and was the place where he built his mansion. This relinquishment, it may be remarked, was compulsory. Whatever may have been the motive for so doing, at

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* Bacon, 1640, Chap. 1. † 2 Chalmers, 213. ‡ 2 Bozman, 107.

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the session of the Assembly of this year, it was enacted, in a bill "for maintaining the Lord proprietaries title," &c., that "no subject of his Majesty, the King of England, or of any other foreign prince or state, shall obtain, procure, or accept of any land within this province, from any Indian to his own, or the use of any other than of the Lord proprietary, or his heirs, nor shall hold or possess any land within this province by virtue of such grant, upon pain that every person contrary hereof, shall forfeit and lose to the Lord proprietary and his heirs all such lands so accepted or held, without grant of the Lord proprietary or under him."* This was in accordance with an old English Statute, which provided, "that no religious community should, by gift or otherwise, obtain or hold landed property without the consent of the civil authorities."† In disregard of this, the missionaries had accepted from the king of the Patuxents, a large tract of land, the plantation above alluded to. The Act of the Assembly just met this case; and Lord Baltimore therein asserted his supremacy over the Church in the colony. He thus came into collision with the missionaries, and their plantation was forfeited to him. He had in a previous year, as we have seen, kept them in the colony, and thereby from establishing missions out among the Indians at a distance. But these acts were unquestionably in antagonism with his Church, and rendered him liable to excommunication. In the bull "*in coena Domini*," the Pope asserts full supremacy over all powers and persons, temporal and ecclesiastical, and forbids all persons whatsoever, directly or indirectly, to violate, depress, or restrain the ecclesiastical liberties or rights of the apostolic See and Church of Rome, howsoever and whomsoever obtained, under pain of excommunication," &c. But to return—Mr. Campbell tells us that "Father Altham was stationed at Kent Island. He is of course the same, in the narrative called Gravener, so that he too had two names. The narrative states that twelve Protestants returned to Roman Catholic Church this year. The Kent Island Church of England Colony, it will be seen, had now not only a Roman Catholic Government, but a Jesuit priest stationed among them. And if Indians were not converted to *the faith*, proselytes were made to it, and the mission was not unsuccessful in St. Mary's.

1640.

The depriving of Captain Claiborne of Kent Island, and subduing the Protestants there to Lord Baltimore's government, before spoken of, left nothing for record this year, save that Father Altham, alias Gravener,

* See 2 Bozman, 113.

† 2 Streeter, p. 30.

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died there, on the sixth of November. Father White remained at Piscataway, and reports the baptism of Tayac on the 5th of July, together with his queen and infant, and others of the principal men. And Father Fisher at St. Mary's proselyted as many Protestants as the others baptized Indians.

But though he had been deprived of his Island, Captain Claiborne still conceived that he had a right to his property there. He was now returned from England, and was a resident of Virginia as before, and on the 8th of August, he made application for what he claimed on the Island, to the Governor and Council of Md. He was very coolly told that it was then possessed by right of forfeiture to the Lord proprietary, for certain crimes of *murder* and *piracy* whereof he was attainted, March 24, 1638, by the judgment of the House of the General Assembly. This was certainly an unwise reply, and exhibits a looking down upon him, and a contempt, which they afterward, no doubt, had reason to regret.

1641.

For this year, the narrative of Father White and others supplies us with nothing to our purpose, save only the arrival of another Priest, Father Rigby, nor does the proceedings of the Assembly, or any other source.

1642.

In the history of the religious dissensions in St. Mary's, we find recorded, that on the 22d of March, P. M., there was a petition presented to the Assembly, by David Wickliff, in the name of the *Protestant Catholics* of Maryland.* The next day, the petition of the *Protestants*, it is said, was read, complaining against Mr. Thomas Gerard, for taking away the key of the Chapel, and carrying away the books. The prefixing of the title *Protestant* to Catholics, shows that the petitioners were not *Roman Catholics;* and the affixing the name Catholics to that of Protestant, shows that they were not of the Puritan party of the Church of England, then in the Colony. Mr. Gerard being charged to make answer, upon the hearing of the prosecutors and of his defense, he was ordered to bring the books and the key taken away, to the place where they had them, and pay a fine of 500 lbs. tobacco, a little upwards of $22, towards the maintenance of the first Minister that should arrive. Mr. Bozman remarks—"As Mr. Gerard must have been a man of con-

* 2 Bozman, 199, 200.

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siderable note at this time in the province, and probably a zealous Roman Catholic, being the lord or owner of St. Clement's Manor, which comprehended very nearly the whole of St. Clement's hundred—this exaggerated fine demonstrates, that the Protestants must have possessed at this early period, a very great influence in the Colony, as they naturally indeed might be supposed to have, from the supremacy of the mother country." And we are shown here clearly, that as yet, eight years from the first settlement of the Colony, there was no Protestant minister in it!

Another fact, which may be mentioned here, is, that on the 6th of April, Captain William Claiborne, then a resident of Virginia, was appointed "the King's Treasurer, in the dominion of Virginia, for life."* This appointment shows, that though by the decision of the Lords Commissioners, he had lost his Island, yet that he had not thereby lost favor with the King. It was no doubt given him, as some compensation for his loss by their decision; and the leading ones of the Commissioners who gave their decision against him, were not now at hand to advise—they had been succeeded by others. It was probably the most lucrative office in Virginia. It also effectually refutes the charge of his having turned Presbyterian; for it came not from the Presbyterian Parliament, then in the ascendant in England, but from the King, and after his separation from the Parliament, and having abandoned London. Besides, "so zealous and firm had the Colony of Virginia hitherto been, in the support of the Church of England, that shortly after the arrival of Sir William Berkley as Governor of that province in 1639, several laws had been made against the Puritans, though there were as yet none among them; and so rigorous were these laws, that none but conformists, in the strictest and most absolute sense, were permitted to reside in the colony."† Yet Captain Claiborne resided there, and was on the side of the King, not with the Parliament.

During this year, however, it is stated that three Puritan ministers came to Virginia from Massachusetts, and were kindly entertained by some private persons. In the preceding year, Mr. Richard Bennett, in the name of some other gentlemen, had gone to Boston to desire that such ministers might be sent. But though they came, their residence was short, for they returned the next summer; and that, no doubt, because the Assembly of Virginia this year, had passed an Act to prevent dissenting ministers from preaching and propagating their doctrines in

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* 1 Hazzard, 493. † 2 Burk, 67. 2 Boz., 198, 9.

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the colony.* The Governor and Council—and Captain Claiborne was one of that Council—issued an Order, that all such persons as would not conform to the discipline of the Church of England, should depart the country by a certain day; yet it appears that an independent Church was now founded and must have had some few members These things are referred to, because three at least of the individuals mentioned, will be seen hereafter, to have much to do in Maryland history.

One of the three ministers mentioned above, was William Thompson, a native of England, and originally, among the primitive Puritans of Lancashire. He was the first minister of Braintree, Massachusetts, and was now sent to Virginia.† But it would seem, instead of returning to Massachusetts, on leaving Virginia, that he came to Maryland and settled here—where after a while we shall hear of him.

Ten days previous to the date of Claiborne's appointment, just spoken of, March 26th, "Lord Baltimore was brought before the House of Lords, on charges which are not now known; in consequence of which, he was placed under heavy bonds not to leave the kingdom.‡ He had thus come under the suspicions of Parliament, if he was not indeed obnoxious to them. Whether these charges had anything to do with the management of his colony or not, yet "certain it is, that from this time, he manifested great anxiety to avoid every act which would expose him to the charge of contravening, by his colonial policy, the established laws of the realm. His firmness in this particular, and his watchfulness in regard to compromising his proprietary rights, even placed him in opposition to the Jesuit missionaries in the colony, to whose aid he refused for a time, to allow others to be sent, unless they would pledge themselves to make their practices conformable to the policy of the English Government, and leave him the full exercise of his prerogatives." They did thus pledge themselves, and in October two came over. But, says the narrative, "our reasons being heard, and the thing itself being more clearly understood, they easily fell in with our opinion."§ And that opinion was, as expressed to the Governor and Secretary by them, that to enforce the law against religious fraternities, would expose them to excommunication, and the displeasure of Almighty God! The priests triumphed, and Lord Baltimore, for the present, had to give way.

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* Beverly, 229. 1 Oldmixon, 301.

† 2 Bozman, 198, note, and Allen's Biog. Dict., Art. Thompson.

‡ Streeter, pp. 29, 30. § Father White and others, p. 42.

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In September of this year, Mr. Bozman estimates the population of Kent Island at 365, and that of Kent at 535,*—900 in all.

The narrative of Father White and others, shows that there was this year three priests. Fathers, Fisher the superior, at St. Mary's, White at Piscataway, and Rigby at Mattapany—together with three coadjutors, two of whom had come over this year. Besides reporting some miracles, it is stated that Father White was detained during the winter, while going up the Potomac, for some weeks at a village near by, and that its chief and others of its principal men, received the faith of Christ and baptism. Not long after, the young Empress of Piscataway was baptized at St. Maray's, where she had been educated. And almost at the same time, the town called Port Tobacco, to a great extent, received the faith with baptism, to the number of 130. The young queen of Patuxent, with her mother, were converted. But no proselytes are reported. This is the last report from the Jesuit Fathers for eleven years.

1643.

On the 15th of April, having appointed Giles Brent, Esq., as his deputy, during his absence, Governor Calvert sailed for England. It is said, that in consequence of difficulties in the Government of the province, he went over, in order to have personal consultation with his brother, Lord Baltimore, who declared his intention of visiting Maryland, but failed to do so.

Some time in the fall of this year, the Earl of Warwick was appointed Governor in Chief and Lord High Admiral of the American Colonies, with a Council of five peers and twelve commoners to assist him. This looked, certainly, as if the Parliament, by whom they were appointed, intended to subject Maryland and the other colonies to their jurisdiction, but it does not appear that any steps were actually taken to effect it, though it may account for Lord Baltimore's not leaving England. In the colony, there was much trouble occasioned by war with the Indians.

1644.

On the 20th of January, Richard Ingle, a captain of a ship engaged in the colonial trade, was the subject of an attempted arrest on the charge of high treason against his Majesty.† His vessel was seized, but he himself escaped. The colony, as well as Lord Baltimore, unquestionably, for the time being, took sides with the King against the Parliament, and Ingle's men are said to have been tampered with, to carry the ship

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* 2 Bozman, 237.

† 2 Bozman, 271.

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to Bristol where the King then was.* Hostilities with the Indians also still continued and difficulties occurred between the acting Governor and the Secretary. In September, Governor Calvert returned, bringing with him a new commission; one peculiarity of which was, that henceforth those who received lands, were required to take *an oath of fidelity to Lord Baltimore.* This, as the sequel will show, was the source of serious difficulties.

It appears from an executive document, issued towards the end of this year, that Captain Claiborne, by means of a military and naval force, regained possession of Kent Island.† So quickly had it been done, and so entirely in accordance with the wishes of the people of that Island, that upon rumor of what had been done, the Governor had to send out spies or agents, in order "to learn with what force he did it, what strength he is of those at sea or shore, what his intents are, and how long he means to stay."

In July previous, the King had lost the whole north of England, and "the estates of those who took part with the King," (and so Lord Baltimote had done thus far,) "were considered by Parliament as liable to confiscation or sequestration, whenever the fortune of war should enable them to do so."‡ But whether Captain Claiborne acted under any authority of Parliament, Mr. Bozman confesses he has no information. The existing difficulties, however, at St. Mary's, presented a tempting opportunity, and knowing that he should meet with no opposition from Parliament, then in the ascendant, he embraced it. And any one, who knows any thing of the then existing antipathy of Protestants against the Romanists, may readily imagine, that the Kent Islanders were quite willing to escape from under Lord Baltimore's Government; and so willing were they, that Governor Calvert learned nothing of Captain Claiborne's success from them. The Island had come under Protestant rule again. Captain Claiborne had been expelled from the government and pessession of his Island for more than five years. But now, having regained it, he was proclaimed at St. Mary's, an enemy of the province, and all intelligence or correspondence with him forbidden at peril.§ There is not a particle of proof, however, that he had forsaken his King and benefactor, or that he had arranged himself under the banners of the Parliament, and perhapses and probabilities are quite as good in his favor as against him. It appears that Governor Calvert made "an expedition to Kent," but was not successful.‖

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* 2 Bozman, 691. † 2 Bozman, 287. ‡ 2 Bozman, 289.
§ 2 Bozman, 288. ‖ 2 Bozman, 290.

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1645.

Early in February of this year, during a session of the Assembly, Captain Ingle, who, in January of the last year, had been proclaimed guilty of high treason against his Majesty, in St. Mary's, and fled,—acting now, it is said, under a commission from Parliament,—surprised and took St. Mary's by force, and Governor Calvert fled to Virginia. Many of the friends of Lord Baltimore were driven from the province, and the Jesuit Fathers were seized and sent to England for trial,* and their Mission, for the time being, was thus broken up.

The narrative of Father White and others for 1670,† states,—speaking of an event alleged to have occurred in 1646,—"that there were at the time, certain soldiers, unjust, plunderers, Englishmen indeed by birth, of the heterodox faith, who coming *the year before* (1645) with a fleet, had invaded with arms almost the entire Colony, had plundered, burnt, and finally having abducted the priests, and driven the Governor himself into exile, had reduced it to a miserable servitude." And in a letter to Lord Baltimore from the Assembly, dated April 21, 1649, they say, "great and many have been the miseries and calamities and other sufferings, which your poor distressed people, inhabitants of this province, have sustained and undergone here, since the beginning of the heinous rebellion, *first put in practice by that pirate Ingle*, and afterwards, for almost two years' continuance by his complices and confederates, in which time, *most of your lordship's loyal friends here* were spoiled of their whole estate, and *sent away, as banished persons out of the province; those few*, that remained, were plundered and deprived in a manner, of all livelihood and subsistence, only breathing under that intolerable yoke, which they were forced to bear under those rebels, which then assumed the government of your Lordship's province unto themselves. Our sufferings were violent like a tempest."‡ The misrule of Ingle and his associates is here depicted in strong terms by Lord Baltimore's *loyal friends* —the Romanists and others.

This loss of the government by Lord Baltimore, has been called usually Claiborne's and Ingle's rebellion. If it is so called by Lord Baltimore's friends, because each gained possession of his respective Colony, at or near the same time, no material objection can be made. But there are no documents to show that they were identified. "Claiborne can be shown to have been in his place in the Virginia Legislature, when Ingle made his demonstration on St. Mary's; and during the time of the occupancy of

* Streeter, 33, 34. † P. 45. ‡ 2 Bozman, 665.

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Maryland, by the invaders, to have been a regular attendant on the Courts of that Colony, where his official duties as Treasurer, required him to be present."* Besides, the public documents of the day do not associate Claiborne and Ingle together. Thus, on the Proclamation of Governor Calvert, Jan. 1, 1645, Richard Thompson, planter, only is associated with Captain William Claiborne.† Thus, on the proclamation of pardon of March 4, 1648, after the province of St. Mary's was retaken, Governor Green says,‡ "Whereas, sundry of the inhabitants of this province, by *the instigation of one Richard Ingle*, have unfortunately run themselves into a rebellion," &c., and "are now returned unto obedience again," &c., "I do hereby * * grant a general absolute and free pardon unto every and singular the inhabitants residing within this province, * * excepting Richard Ingle, mariner."‡ He only was thus excepted. So in his granting a new seal, August 12, 1648,§ Lord Baltimore says, "Whereas, our great Seal of the province of Maryland was treacherously and violently taken away from them by Richard Ingle or his complices, in or about February, 1645." So in his commission to his Master General of the same date,‖ he speaks of Richard Ingle and his complices and again in his commission to the Commander of the Isle of Kent,¶ he speaks precisely in the same way.

But in his commission to Governor Stone, August 6, 1648, he gives him power to grant pardons, &c.** "So as such pardon or pardons extend not to the pardoning of William Claiborne, heretofore of the Isle of Kent, and now or of late of Virginia, or of his complices in their late rebellion, * * *nor* of Richard Ingle, nor John Durford, mariner," &c. Instead thus as being considered by Lord Baltimore, as engaged in the same rebellion, they are by him clearly distinguished as two distinct parties. So in the commission to the Governor and Council, August 12th, 1648,†† he forbids the repeal of any act, &c., whereby William Claiborne was, or is attainted,—Ingle is not mentioned. All this is proof that, in that day they were not considered as associated and were distinguished as not having been.

1646.

Nothing is found touching our subject this year. Captain Claiborne was in possession of Kent Island, and Ingle and his associates of St. Mary's,—at least partially.

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* Streeter, 34.
† 2 Bozman, 228
‡ 2 Bozman, 641.
§ 2 Bozman, 651.
‖ 2 Bozman, 652.
¶ 2 Idem, 653.
** 2 Bozman, 645.
†† 2 Bozman, 654.

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1647.

Towards the close of the last year, Governor Calvert returned from Virginia, with a body of soldiers,* and surprised all those who had combined against him, and cast them into prison,† and thus recovered again the Government of St. Mary's, in which he was specially aided by those who were his loyal friends of that Colony. They also paid on defraying the expenses of the soldiers, 60,000 lbs. of tobacco, which say they "is far more than all our recovered estates in the province were then worth." And having gained St. Mary's, he turned his attention towards Kent Island. On the 16th of January, therefore, he laid an embargo upon all persons and vessels, that no intelligence might be communicated, or practiced with foreigners *during this time of war*, in which he says,‡ "I do hereby forbid all persons now being in the county of St. Mary's, that they presume not to go, or attempt to go out of the county of St. Mary's, without acquainting me first therewith, and my leave to do so, and that no person entertain any communication, or give any entertainment to any one, coming into the province or from the Isle of Kent," &c.

After having done this, he went on with his work, and seems to have succeeded, in April, in having reduced Kent Island again under his government, and took possession of it in person. Eleven are mentioned as having been pardoned, and taken the oath of fealty to Lord Baltimore; the others fled. Those thus fleeing doubtless went over on to the main land and settled there. Robert Vaughan, a Protestant, was now appointed the Commander of the Island. Captain Claiborne had had possession there for nearly three years, nor was this the last time that he came into possession of the Island.

On the 9th of June, Governor Calvert died, at about the age of 40, having previous to his death, named Thomas Green to succeed him.

1648.

During the last few years, there appears to have been a material decrease of population. Judging from the votes in the Assembly of January of this year, Kent Island had a population less than 140; and St. Mary's not more than 250. The decrease had been more than one half.

On the 17th of August, Lord Baltimore appointed William Stone, Esq., as the Governor of his province; but he does not appear to have entered upon the duties of his office, till the middle of April of next year.

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* 2 Bozman, 296. † 2 Idem, 666. ‡ 2 Ibid, 299.

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Captain William Stone, as it is shown in his commission,* was from Northampton County, Virginia, and had undertaken "in some short time, to procure five hundred people, of British or Irish descent, to come from other places, and plant and reside within the province of Maryland." He had been the High Sheriff of that county, and as Mr. John Langford, Lord Baltimore's former Roman Catholic High Sheriff, in a pamphlet published in London, 1655, states, was "well known to be a zealous and well affected Protestant;" nay, "he was generally known to have been always zealously affected to the Parliament."

The oath which Lord Baltimore prescribed for him, in entering on his office as Governor, is a document of much interest, and so far as religion is concerned, is as follows.† "I will not by myself, nor any person, directly or indirectly, trouble, molest, or discountenance any person *whatsoever in said province*, professing to believe in Jesus Christ, *and in particular no Roman Catholic*, for, or in respect to *his or her* religion, *nor in his or her free exercise thereof, within said province, so as that they be not unfaithful to his said Lordship, or molest or conspire against the civil government established here under him*, nor will I make any difference of persons in conferring rewards, offices, or favors, *proceeding from the authority which his lordship hath conferred upon me, as his lieutenant here*, for, or in respect to *their said* religion, *respectively*, but merely, as I shall find them faithful and well deserving *of his Lordship, and to the best of my understanding*, endowed with moral virtues and abilities, *fitting for such rewards, offices and favors, wherein* my *prime end and* aim, *from time to time* shall be, *the advancement of his said lordship's service here, and the* public unity *and good of the province, without any partiality to any, or any other sinister end whatsoever*, and if any *other* officer, or person *whatsoever, shall, during the time of my being his lordship's lieutenant without my consent or privity*, molest, *or disturb* any person, *within his province*, professing to believe in Jesus Christ, *merely for, or* in respect of his *or her free* religion, *or free exercise thereof, upon notice or complaint thereof made to me*, I will *apply my power and authority, to relieve and* PROTECT any person so molested, *or troubled, whereby he may have right done him for any damage which he shall suffer in that kind, and to the utmost of my power*, will cause *all and* every such person, *or persons, as shall molest or trouble any other person or persons, in that manner*, to be punished."

Dr. Hawks,‡ taking the parts of this oath not in italics, and leaving

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* 2 Bozman, 642. † 2 Bozman, 648. ‡ Eccl. Contr. Md.

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out all the rest, says, "that there is no prouder tribute to the memory of Cecil Calvert, than is found in this oath of office, which, from 1636, he prescribed for his Governors." It is to be presumed, that he had not seen the oath entire itself, but seen it only as stated by Chalmers, whose authority he gives. Now Chalmers says,* "in the oath taken by the Governor and Council, *between* the years 1637 and 1657, there was the following clause," stating the oath as Dr. Hawks has done. B. Mayer, Esq., remarks,† that "the statement of Chalmers has been held to be indefinite, as to whether the oath was taken from 1637 to 1657, or whether it was taken between those dates. But if the historian did not mean to say, that it had been administered first in 1637, and continued afterwards, why would he not have specified any other, as the beginning year, as well as 1637? * * Chalmers was too accurate a writer to use dates so loosely," &c. Now, the truth is, as stated by Chalmers, that the oath was, as we have given it, administered to the Governor *between* the years which he specifies; still, his statement is deceptive. What are the facts in the case? In 1634, Leonard Calvert became the Governor of the province; and history records no oath of office which he took, until the one ordered by the Assembly of 1638, which is this.‡ "I do swear, that whilst I am a member of this province, I will bear true faith unto the right honorable Cecelius, Lord proprietary of this province, and his heirs,—saving my allegiance to the crown of England—and the said province and him and them, and his and their due rights and jurisdictions, and all and every of them will aid, defend and maintain to the utmost of my power: the peace and welfare of the people I will ever procure, as far as I may; to none will I delay or deny right, but equal justice will administer in all things, to my best skill, according to the laws of this province. So help me God." This he caused to be administered to himself, March 20, 1638.§ But why this oath, if he had taken the other spoken of before? Then again we have the commissions given him in 1637, 1642 and 1644, neither of which contain any form of oath to be taken by him. During Governor Calvert's absence in England, in 1643 and 4, Mr. Brent, as we have seen, was appointed the temporary Governor. In April 15, 1643,‖ he was qualified by taking the following oath: "You swear, that you will be true and faithful to the right honorable Cecelius, Lord proprietary of this province of Maryland, and that you will defend and maintain to the utmost of your power, all his just

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* Page 235. † Calvert and Penn, 46. ‡ 2 Bozman, 608.
§ 2 Bozman, 140. ‖ 2 Ibid, 254.

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rights, interests, royal jurisdictions and seignory, in, to, and over the said province, and the islands thereto belonging; and that you will faithfully serve him as his lieutenant of the said province; and in all other offices committed to your charge, you will do equal right and justice, to the poor and to the rich, within the said province, after your cunning, wit and power, according to the laws of this province; you shall delay or deny to no man right or justice; you shall not know of any attempt against his lordship's right and dominion, in, to, and over the said province, and the people therein, but you shall resist and oppose it to the utmost of your power, and make the same known with convenient speed to his lordship; and you shall in all things, faithfully counsel and advise his lordship according to your heart and conscience. So help you God." This, beyond all doubt, is evidence sufficient, that so late as 1643, there was not any oath in existence, prescribed by Lord Baltimore as given by Chalmers. If there was, why was it not administered to Governor Brent —or why this?

At the death of Governor Calvert, in 1647, Mr. Green was appointed Governor. But nothing is recorded of any oath as taken by him. The truth is, that in neither of the commissions of Lord Baltimore to his Governors, previous to the one given to Captain Stone, was any oath to be taken, prescribed by him. Captain Stone's is the first which he ever appointed,—and appointed in the words as given by us, in August 17, 1648.

Now then, does this oath propose toleration, as now understood, to all religious sects and denominations of Christians, conscientiously differing from each other? Unquestionably no such thing is specified. The word toleration is not in it; but *protect* is in it. The Governor is made to swear, "I will apply my power and authority, to relieve and *protect* any person so molested." As before specified, Protection was the idea of that day, not toleration; that was of after growth. Nor was it the object of the oath to grant toleration. Yielding to the force of circumstances, the complete ascendency of the English Parliament,—the danger therefrom of losing his Colonial Government, if not possessions, and considering the large proportion of Protestants in his province, Lord Baltimore found it advisable to appoint a Protestant Governor, a Protestant Secretary, and one half of the other members of the Council Protestants. And what clearly is the main object of this oath, to be taken by this Protestant Governor?—not simply to protect Episcopalians, Presbyterians and Puritans. For the two latter, the Government at home would certainly see to; and the officers now appointed also. *No, it was that his*

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Governor should not molest, trouble or discountenance any person whatsoever, in the said province, professing to believe in Jesus Christ—IN PARTICULAR NO ROMAN CATHOLIC, *the very thing which Chalmers left out.*

And this is no new idea or statement of our own. A cotemporary writer—and he, Lord Baltimore's Roman Catholic High Sheriff of Kent Island, his friend—so states the matter in his pamphlet of 1655. He says* that Lord Baltimore "appointed this oath to be taken by the aforesaid officers, when he made Captain Stone Governor, and Mr. Thomas Hatton, Secretary, and others of his council there; who, being of a different judgment in religion from himself, his lordship thought it but reasonable and fit that, as he did oblige the Governor by oath, not *to disturb* any there who professed to believe in Jesus Christ, *so to express the Roman Catholics in particular, who were of his own judgment in matters of religion.*" And Mr. Langford not only shows thus, why the oath was made thus specific, but also *the time when* it was prescribed, when Captain Stone was made Governor in 1648. This was, indeed, "*between* 1637 and 1657." It was unquestionably a wise and good measure. But it was what Lord Baltimore had not done before; and what he did now, under the pressure of very peculiar circumstances. The retaining of his possessions was clearly the moving cause, and for this who could blame him? But how an oath, which had the protection of *Romanists* as its special object, should have become so exceedingly prolific in nonsense about "Catholic Toleration in Maryland," it is difficult for us to perceive. *There was never a grosser perversion of the simple facts of history.*

1649.

The first Session of the Assembly, under Governor Stone, was held in April, the 2d day. Of this Assembly, no Journal of its proceedings remains.† "But there are strong grounds to believe, that the majority of the members were Protestants, if not Protestants of the puritanic order." It has been before stated, that Governor Stone, and a majority of the members of the Council, were Protestants, and there are strong reasons for a supposition, that a majority of the burgesses or representatives "were Protestants also, inasmuch as they certainly were at the next session of 1650."‡ They sat *in one house*, and *not*, as in the next year, in *two*, says Bozman. Bacon thinks otherwise. But the first law authorizing the division into two separate houses, was passed 1650.

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* Langford, 26. † 2 Bozman, 349. ‡ 2 Bozman, 354.

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If, therefore, there were no Burgesses from Kent, and eleven from St. Mary's, as in 1650, and as of these five were Roman Catholics, and the others Protestants, then adding the two Roman Catholic Councillors to the five Roman Catholic Burgesses, there would be seven Romanists, and adding the Governor, Secretary and two Protestant Councillors, to the six Protestant Burgesses, there would be ten Protestants,—giving the Protestants a majority of three.

And what was the population of St. Mary's? That of Kent was confessedly Protestant. In St. Mary's, Hammond, in his pamphlet of 1656,* a prejudiced opponent of the Protestants, says, "an assembly was called throughout the whole country," in 1650, "and because there were *some few* papists that first inhabited these parts themselves, and others of being different judgments, an act was passed," &c. The Assembly's letter to Lord Baltimore of 1648,† says, that during Ingle's rebellion, "*most of your lordship's loyal friends* here, were spoiled of their whole estate, and *sent away as banished persons* out of the province,—those *few that remained* were plundered," &c., so that, as they said, in 1648, they were not all worth 60,000 lbs. tobacco—$2,664. On the other hand, they state, that in the first Assembly, after Governor Calvert had regained his province, that of 1647, "*two or three only excepted*, it consisted of that rebelled party and his—Governor Calvert's—professed enemies." And how long afterwards was it, that the Protestant Governor Stone engaged to bring in five hundred colonists—Protestants, of course? We may thus see, without going further into proofs, that Mr. Bozman had strong grounds for believing as he stated. It has indeed been said, that now, and even forty-three years afterwards, in 1692, the Roman Catholics were a majority in Maryland;‡ and *the only proof offered*, is a statement made by the then Governor Sharpe, in 1758—sixty-six years after the last date referred to!! But there are testimonies nearer to 1649, which tell a different tale. Dr. Hawks§ says, "it is indeed true, that at this time, 1692, from the testimony of an eye witness, there were *thirty Protestants* to *one Papist* in the province."‖ Dr. Bray, whose integrity and competency no one can question, in a Memorial to the House of Bishops in England, in 1700, says, "the papists in this province—Maryland—appear to me, not to be above a twelfth part of the inhabitants." So much for the population of the province, and the Assembly of 1649.

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* Leah and Rachel, 22.

† 2 Bozman, 665.

‡ McSherry, the Romanist historian of Maryland.

§ Maryland Eccl. Contr., 59.

‖ Chalmer's note, 24, p. 376.

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In this Assembly was passed the celebrated "Act concerning Religion,"* of which the following is an abstract:—"Forasmuch, as in a well governed and Christian Commonwealth, matters concerning religion and the honor of God, ought in the first place to be taken into serious consideration, and endeavored to be settled, be it therefore ordained and enacted,"

1. That whosoever shall blaspheme God, or shall deny our Saviour Jesus Christ to be the Son of God, or shall deny the Holy Trinity, the Father, Son and Holy Ghost, or the Godhead of any of the said persons of the Trinity, or the unity of the Godhead, or shall use, or utter reproachful speeches, words, or language concerning them, shall be punished *with death*, and confiscation, or forfeiture of all his goods, to the Lord proprietary.

2. That whosoever shall use or utter any reproachful words, or speeches concerning the blessed Virgin Mary, the mother of our Saviour, or the holy Apostles, or Evangelists, shall for the first offense be fined £5 sterling, or if not able to pay, be publicly whipped, and imprisoned during pleasure, &c.; for the second offense, £10, &c., and for the third shall forfeit all his lands and goods, and be banished from the province!

3. That whosoever shall, *in a reproachful way*, call any one an Heretic, Schismatic, Idolater, Puritan, Presbyterian, Independent, Popish priest, Jesuit, Jesuited Papist, Lutheran, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist, or any other name, or term, shall forfeit £10 sterling, or if not able, be publicly whipped and imprisoned, till the party offended be satisfied by the offender asking forgiveness publicly!

4. That whosoever shall profane the Sabbath or Lord's day, called Sunday, by frequent swearing, drunkenness, or by any uncivil or disorderly recreation, or by working when absolute necessity doth not require, shall, for the first offense forfeit 2s. 6d., for the second 5s., for the third 10s., or if unable to pay, shall for the first and second offense, be imprisoned, till he shall publicly acknowledge this scandal and offence against God and the civil government, and for the third offense, be also publicly whipped!

5. "And whereas, the enforcing of the conscience in matters of religion, hath frequently fallen out to be of dangerous consequence," where "practiced, and for the more quiet and peaceable government of this province, and the better to preserve *mutual love and unity*, be it enacted," that no one professing to believe in Jesus Christ, shall be troubled, mo-

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* 2 Bozman, 661.

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lested, or discountenanced for his religion, or the free exercise thereof, nor compelled to the belief or exercise of any other religion against his consent, so as he be not unfaithful to his Lordship, or molest or conspire against the civil government. Every person offending, to pay 20 shillings sterling, or if he refuse, or is unable to pay, be publicly whipped and imprisoned!

It will be perceived that this was simply a peace act, "to preserve mutual love and unity." So says Mr. Langford,* "the *intent* of it being, to prevent any disgusts between those of different judgments in religion there," in the colony. So too Mr. Hammond,† both Lord Baltimore's friends, and may be presumed to know something of his intentions. The Act, indeed, compelled no one's belief; it only by penalties restrained words and actions which were reproachful, and calculated to give disturbance. The policy of so legislating is questionable, but the intention was certainly good. Religion, however, needs not the aid of man's legislation, but good government does in truth need the aid of religion, and in some way must have it.

This Act, however much of toleration it embraced, was not a toleration Act, and sustained by such penalties as it was, cannot be so considered. Protection therefore was all that it aimed to secure. It has, nevertheless, furnished ground for much eulogium on the Roman Catholic settlers of Maryland. But the Act not having originated with them, and only having been concurred in by them, their claim to any exclusive eulogium must be, as by some it has been, abandoned. This being done, it has then been claimed to have originated with Lord Baltimore. At the time of his appointing Governor Stone, he sent over sixteen Acts or laws, to be enacted by the Assembly of Maryland. These laws were at once rejected by the Assembly. But from these laws, some were chosen and selected out, and enacted by this very Assembly of 1649. And it is claimed, that the Act which we have been considering, was one which was then selected. It is *probable* that it was so. But there is no proof that it was passed just as it was sent out, or that it was not amended, or in any respect changed—none whatever. *And if there were, he himself is proof, that it did not originate with him.* His words in Governor Stone's commission, where he speaks of these sixteen Acts, are,‡ "which *said acts or laws* WERE PROPOSED UNTO US, for the good and quiet settlement of our colony." And this, his own testimony, is beyond doubt conclusive. The Act, however, no matter where it originated, was the joint and con-

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* Page 32. † Leah and Rachel, 22. ‡ 2 Bozman, 654.

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current act of the Romanist Lord Baltimore, the Protestant Governor and Council, and a Protestant House of Burgesses. And so far from conceding that the Assembly acted in subserviency to Lord Baltimore's judgment, precisely the opposite is the fact. He appointed his officers in the colony, *because they were of a different judgment in matters of religion from himself.* And in this matter of religion so far from controlling them, his concurrence was a concession to their views. The last part of the Act shows this conclusively. It is the very counterpart of what is found in "the agreement," submitted by the officers of the English army to the consideration of their countrymen previous to Feb., 1648, and demands, "that all who profess faith in God by Jesus Christ, however differing in judgment from the doctrine, discipline and worship publicly held forth, shall not be restrained from, but *protected* in, the exercise of their faith and the practice of their religion, so they abuse not this liberty to the civil injury, or the disturbance of the public peace."* This all know was a Puritan movement.

In 1642, mention was made of William Thompson, a Puritan minister, who left Virginia and is supposed to have come into Maryland. In the Assembly's letter of this year, they mention that, "whereas your lordship doth seem greatly distasted and disgusted at William Thompson, through some information which has been given your lordship of his comportment here, in aiding and siding with the rebels against your lordship's Governor and government, which information we do assure your lordship to be most false, your honor hath not a more faithful and cordial friend in the whole province, and showed to the utmost of his ability, even before, in time of, and ever since the troubles here, that he is."† Seven years thus he had continued in the colony, and such is the account and character they give of him,—showing that though a Puritan, he was Lord Baltimore's friend, and was so testified of by this Protestant Assembly.

In the above mentioned year, 1642,‡ as has before been stated, an Independent Church had been formed in Virginia, with a few members. At this time they had increased to one hundred and eighteen. It was not a puritan party in the Church of England, as the puritans there still continued to be, but a separate, independent, and distinct organization.

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*Streeter's Maryland two hundred years ago, 46, and Neal's History of the Puritans, 2, 79.

† 2 Bozman, 668.

‡ 2 Bozman, 370.

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In this year, says Leonard Strong, in his pamphlet of 1655, speaking of them, "Many, both of this congregated Church, and other well affected people in Virginia, being debarred from the free exercise of religion under the government of Sir William Berkeley, removed themselves into the province of Maryland, *being thereunto invited by Captain William Stone*, then Governor for Lord Baltimore, with promise of liberty in religion and privileges of subjects." Such thus were some of the five hundred colonists which Governor Stone brought in with him.

Bozman says,* "they were driven out" of Virginia, and a considerable number of their members, about a hundred,† emigrated, probably in the spring and summer, to Maryland, and seated themselves at a place called by them Providence, but afterwards Ann Arundel, most probably on or near the spot on which the city of Annapolis now stands. Mr. Langford,‡ before referred to, says, that they were, *by the Lord Baltimore's special directions*, received into Maryland.

They refused, however, on their first coming, the oath of fidelity to Lord Baltimore, objecting to his "royal jurisdiction," "absolute dominion," &c., but more especially, that, in taking it, they must, as they said, swear to countenance and uphold anti-Christ, that is, the religion of the Papacy; and for a year, therefore, they would not take out any patents of land. But a change in some of the terms of plantation having been made by Lord Baltimore, and the oath having been modified with his approval, they finally took out their patents, and made a permanent settlement.

On the 20th of September, Robert Brooke, Esq., in England, obtained from Lord Baltimore himself, a commission as commandant of a county, newly set forth and erected,§ called Charles County. This County, as then constituted, lay on the southwest side of the Patuxent, and seems to have been, what is now contained in the three parishes on the Patuxent,—perhaps the four, All Faith, St. Mary's; Trinity, Charles; and St. Paul's and Queen Anne, Prince George's. He must have settled, when he came over, East of Portobacco. Besides being made the commandant of the county thus erected, he was appointed also a member of the Council, and was probably, says Bozman, a Puritan. He was to transport into the province himself, his wife, and eight sons, and a great number of other persons.

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* 2 Bozman, 370. † 2 Bozman, 405. ‡ P. 6. § 2 Bozman, 376.

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1650.

The Assembly met this year, on the 5th of April. From St. Mary's there were eleven Burgesses, and two from Providence. These, together with the Governor, Secretary, Members of the Council and the Clerk of the Lower House, constituted the Assembly.* The Governor, Secretary, two of the Council, six of the Delegates from St. Mary's, and the two from Providence, were Protestants. The other two Members of the Council, five of the Delegates from St. Mary's, and the one chosen Clerk, were Roman Catholics; being twelve of the former, and eight of the latter.† The religious denomination of each is here specified, because the religious denominations *of that day* were respectively the political parties, and their religion showed their party and politics.

The first Act passed, was "for settling the present Assembly," by which two distinct Houses, apart from each other, were constituted; the Governor, Secretary and Council constituting the Upper, and the Burgesses the other. The Lower House organized by choosing James Cox, one of the Burgesses from Providence, a Protestant, their Speaker, and a Roman Catholic, Clerk. So that the Upper House had four Protestants to two Roman Catholics, and the Lower, eight Protestants to six Roman Catholics, and one of these, the Clerk, made a member by the House. The Burgess from Kent was a member of the Council, and by the Act, took his seat in the Upper House.

The oath then taken by the members is worth noticing, as it shows something of the religious complexion of the Assembly. It was this:‡ "I do swear, that I will faithfully and truly, according to my heart and conscience, to the best of my understanding and ability, without favor, or affection, or self-ends, advise, consult and give my vote to all bills and other matters, wherein my advice or vote shall be required, during this Assembly, wherein *my chief end and aim shall be the glory of God*, in my endeavors for the advancement and promotion of the Lord proprietaries just rights and privileges, and the public good of this province; and will also keep secret during this Assembly, all such matters and things as shall be acted or debated," &c. Why this secresy was enjoined, is not now known. One however of the Romanist members of St. Mary's declined taking it, because, as he said, "he ought to be guided, in matters of conscience, by his *spiritual* council," and if he took the oath, he could not advise with such council. His seat was promptly de-

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* Bacon, 1650, chap. 1, et praeced. † 2 Bozman, 383, 672.

‡ 2 Bozman, 384.

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clared vacant, and another, in three days afterwards, was appointed in his place. Nothing could show more palpably, how entirely he had committed the keeping of his conscience to the Jesuit priesthood. If the oath itself indicate the tone of religious principle prevalent in the Assembly, it was no ordinary civil Assembly.

One of the early Acts passed at this Session, was "An Act prohibiting all compliance with Captain William Claiborne, in opposition to his Lordship's right and dominion over this province."* The preamble shows, that he still remained unexempted from pardon by Lord Baltimore, so that if taken by him, his life was forfeited. And it also shows, that the war was not at an end; for that, in letters to the Governor, he had renewed his claim for Kent Island, and gave out, that he proposed to make an attempt to regain it. It enacted, therefore, that any one in the province assisting him, abetting or countenancing him, in any attempt, on the Isle of Kent, should be punished by death, and confiscation of lands, debts, goods and chattels.

It may be worth while to recall to mind here, that Captain Claiborne and his settlement on Kent Island, were of the Church of England. And there appears nothing to show that they did not continue so. The Providence Colony were Puritans, and not less certainly opposed to the Church of England, than to the Church of Rome. This is well known. The Protestant members of St. Mary's, we may have seen, must have been also, more or less Puritan, and they, therefore, as well as the Romanist members of that county, were alike united, in their opposition to the Church of England. The entire Lower House thus, were hostile to the religion of Claiborne and the Kent Islanders. The same may be seen to be true of a part of the Upper House, if not perhaps of the whole. Two were Romanists; and the Governor, though a Protestant, was "zealously affected to the Parliament;" and we have no reason to think that the Protestant members of the Council were unlike him.

Now, it will have been seen that Kent Island—County, as it was now called—was not represented in the Lower House. When Governor Stone issued his proclamation for the election of Burgesses, Kent County might make choice of as many as three. But instead of choosing three, only one was chosen, and he the Commandant of the County. As a member of the Council, he was by virtue of that office, a member of the Assembly without any election. So that when the Assembly divided into two Houses, the law declared him a member of the Upper House, and thus the

* 2 Bozman, 391, 670. Bacon, 1650, Chap. 4.

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Lower House had no Burgess from that County. Besides this fact, it appears that the commandant was not very cordially chosen, for the return of his election stated that he was chosen by only "a major part of the freemen," while those from Providence were chosen *unanimously*. The freemen therefore of Kent sent no one from among themselves. They consequently had no hand in passing the Act now spoken of against their old friend and proprietary, Claiborne. It was passed by those who, by their religion, were politically hostile to him, as well to those also of his religion. And we cannot wonder therefore that the Kent Islanders were no more forward to send their Burgesses to the Assembly.

At this Session was also passed "an Act for the erecting Providence into a County, by the name of Ann Arundel County." It was so called, probably,* from the maiden name of Lady Baltimore—then lately deceased. Lady Ann Arundel was the daughter of Lord Arundel of Wardour. In the following July, Governor Stone visited Providence, and having organized the County, appointed Mr. Edward Lloyd the Commandant thereof.

In another Act of the Assembly, called† "an Act of recognition of the lawful and undoubted right and title of the right honorable Cecelius, Lord Baron of Baltimore, absolute Lord and proprietary of Maryland," &c., the preamble has these words: "Great and manifold are the benefits, wherewith Almighty God hath blessed the colony first brought and planted within the province of Maryland, at your lorship's charge, and continued by your care and industry, in the happy restitution of a blessed peace unto us, being lately wasted with a miserable dissension and unhappy war. But more inestimable are the blessings poured upon this province, in planting Christianity among a people that knew not God, nor had heard of Christ. All which as we recognize and acknowledge, to be done and performed, next under God by your lordship's industry and pious intentions towards the advancement and propagation of Christian religion, and the peace and happiness of this colony and province," &c. This, coming as it did from such an Assembly, is eulogy sufficient to gratify the warmest admirer of Lord Baltimore. With this, then, we conclude these sketches of Early Maryland History.

In the view now taken,

I. We have seen, that the first settlement in the territory, now known as Maryland, that of Kent Island, was made five years before Lord Baltimore's Colony came to St. Mary's, consequently that Maryland was not first settled by him.

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* 2 Bozman, 393.

‡ Bacon, Laws of Maryland, 1650, Chap. 23.

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